

Also, petitions of Washington Camps Nos. 540, of Catawissa, Pa., and 105, of Berwick, Pa., Patriotic Order Sons of America, urging the immediate enactment of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. McMORRAN: Petitions of the Woman's Christian Temperance Union of Highland, Mich., the missionary societies of the Highland Congregational Church, Highland; Joseph Guill and eight others, of Yale; Mrs. W. C. Dodge, of Almont; members of the South Park Woman's Christian Temperance Union, of Port Huron; Woman's Christian Temperance Union of the seventh congressional district of Michigan; and local Woman's Christian Temperance Union of Harbor Beach, all of the State of Michigan, favoring the Miller-Curtis bill; to the Committee on the Judiciary.

Also, petition of members of the St. Peter's Evangelical Lutheran Church, of St. Clair, Mich., protesting against the Andrews bill (H. R. 30155) donating land to the Christian Brothers of St. Louis Province, in New Mexico; to the Committee on the Territories.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Dawson, Barada, Humboldt, Louisville, and Plattsmouth, Nebr.; protesting against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Petition of Freeport Council, No. 148, and Aliquippa Council, No. 567, Junior Order United American Mechanics, and Lincoln Commandery No. 42, Washington Camps Nos. 82, 570, 455, 52, 544, 334, 485, 134, and 184, Patriotic Order Sons of America, urging enactment of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. PALMER: Petition of Washington Camps Nos. 52, 445, and 82, Patriotic Order Sons of America; Councils Nos. 33, 208, 590, and 567, Junior Order United American Mechanics, and Union No. 706, United Brotherhood of Carpenters and Joiners, of Bethlehem, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. PAYNE: Petition of Rock Stream (N. Y.) Grange, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. SHEFFIELD: Petition of City Council of Providence, R. I., favoring Senate bill 5677, promoting efficiency of Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of Miantonomoh Council No. 7, Junior Order United American Mechanics, of Providence, R. I., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. STURGISS: Petition of Local Camp No. 31, Patriotic Order Sons of America, Van Clevesville, W. Va., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Local Camp No. 11, Patriotic Order Sons of America, Summit Point; Local Camp No. 31, American Federation of Labor, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of the Brooklyn League, for battleship construction in Government navy yards; to the Committee on Naval Affairs.

Also, petition of many publishing firms of New York City, against increase of postal rates on magazines; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petition of Mad River Grange, No. 71, of the Connecticut State Grange, for a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Lumber Dealers Association of Connecticut, for reciprocity with Canada; to the Committee on Ways and Means.

Also, petition of Lumber Dealers' Association of Connecticut, State Grange, Trumbull Grange, and Harmony Grange, No. 92, for a parcels-post measure, full and complete; to the Committee on the Post Office and Post Roads.

By Mr. TOU VELLE: Petition of Franklin County Bar Association, of Ohio, against holding of two terms annually of circuit and district courts of the southern district of Ohio, at Portsmouth; to the Committee on the Judiciary.

By Mr. WEISSE: Petition of citizens of Wisconsin, for construction of battleship *New York* in the New York Navy Yard; to the Committee on Naval Affairs.

Also, petition of citizens of Wisconsin for liberal extension of the parcels post; to the Committee on the Post Office and Post Roads.

By Mr. WOOD of New Jersey: Petition of Metal Trades Council, of Newark, N. J., and vicinity, for construction of battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of Pittsburg Branch of the National League of Commission Merchants of the United States, favoring Canadian reciprocity; to the Committee on Ways and Means.

## SENATE.

WEDNESDAY, February 15, 1911.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. KEAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

## REPORT OF NATIONAL ACADEMY OF SCIENCES.

Mr. WETMORE. I present the annual report of the National Academy of Sciences for the fiscal year 1909, as required by statute. The same statute provides for the printing of the report, so that no action on the part of the Senate is required. I ask that the report may lie on the table.

The PRESIDENT pro tempore. The report will lie on the table. The law provides for the printing.

## PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of sundry citizens of Portland, Oreg., remonstrating against the passage of the so-called rural parcels-post bill, which was ordered to lie on the table.

He also presented a memorial of Local Grange No. 947, Patrons of Husbandry, of Huevelton, N. Y., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented the memorial of F. E. Hill, of New York City, N. Y., remonstrating against the passage of the so-called Scott antioption bill relative to dealing in cotton futures, which was referred to the Committee on Interstate Commerce.

Mr. BURROWS. I present a resolution of the Legislature of the State of Michigan, which I ask to have read.

The PRESIDENT pro tempore. The Secretary will read the resolution, in the absence of objection.

The resolution was read, as follows:

## Senate resolution 45.

Whereas there is now pending in the Senate of the Congress of the United States, a bill known as the Salloway pension bill which provides that all veterans of the Mexican and Civil Wars shall receive a pension of \$15 per month at the age of 62, \$20 at the age of 65, \$25 at the age of 70, and \$36 per month at the age of 75 years. The bill also provides that all veterans who are wholly incapacitated to perform labor shall receive a pension of \$36 per month with no age limitation.

The bill above referred to has already passed the House of Representatives by an overwhelming vote and is now pending in the Senate: Therefore be it

*Resolved by the senate (the house of representatives concurring),* That the Michigan Legislature go on record as favoring the early enactment of this bill and that a copy of this resolution be forwarded at once to the United States Senators from Michigan, urging them to use every effort to secure the passage of the bill.

The question being on the adoption of the resolution,

The resolution was adopted.

Mr. BURROWS. Let the resolution lie on the table.

The VICE PRESIDENT. It will be so ordered.

Mr. McCUMBER. I have a communication here from the Grain Growers' Department of the National Union of American Society of Equity, addressed to the United States Senate, and also a short article from their magazine, entitled "Farmers and protective tariff," which I ask may be printed in the RECORD without reading.

There being no objection, the matter was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

*To the United States Senate and House of Representatives in Congress assembled:*

There being before you now for ratification or rejection a certain Canadian reciprocity agreement in which the members of our organization are interested, I beg, in its behalf, to file with your honorable body, as information and for consideration by the Members thereof, the following brief statement of our position on the subject:

Certain commercial and speculative interests made an effort to get the farmers of the United States to part with their grain crops last fall at prices that suited these interests. Their program then was only partially successful. Knowing what we do about that scheme, we have reasons to believe that these same interests, prompted by a firm determination to make the farmers bow to their will, are actively supporting the proposed tariff agreement with Canada and are using it as a subterfuge with which to gather about them more recruits to help carry out their deep-laid plot. Trade operations under such an agreement as the Canadian reciprocity bill will stop an otherwise possible increase in the production of farm products in the United States proportionate to our increase in population and gradually change the source of supply from the Mississippi Basin to the western plains of Canada.

With the tariff removed on raw farm products but retained on manufactured articles and the source of supply moved farther away from our centers of population, it is difficult to see how our brethren in the cities are going to profit much from any possible reduction in the cost of living.

The proposed Canadian reciprocity agreement is a nefarious concoction by manufacturers and middlemen which, if swallowed by Congress, will be a means of widening the already wide chasm between producer and consumer rather than causing any material reduction in the cost of living. Regardless of whether the farmers now are free traders or protectionists, it must be admitted that after having helped to build

up "infant manufacturing industries" by their stand on the tariff question, it is base ingratitude, to say the least, on the part of manufacturers and the agencies that work with them to ask that the protection wall be torn down in front of raw farm products and retained on the manufactured articles.

When the commercial interests of our country will come within a mile of sacrificing what the farmers are asked to sacrifice in this reciprocity proposition for the sake of inaugurating a national reciprocity policy, the farmers will be found actively supporting such a move. But until such a time comes I believe the American farmer will take his cue from George Eliot's little epigram: "Self-sacrifice is well enough, but don't give yourself to be melted over for the tallow trade."

If our farming is the foundation upon which our country's prosperity and welfare depend and not only a handy theme for poetry and political oratory, then the ratification of the Canadian reciprocity bill is equivalent to killing the goose that laid the golden egg or driving a willing horse to death.

I believe that the mass of consumers of farm products in our cities will agree with me that it is true that if the farmer is stunned the rest of the people will be stunned, and that if they have time to give the matter careful consideration they will join hands with the farmers in asking our Representatives in Congress, by mail and otherwise, to turn down the proposed Canadian tariff agreement and demand in the place of that political sop that Congress provide without delay for a gradual, genuine, and fair reduction of the tariff, or, at least, a reciprocity proposition that has a semblance of "reciprocity" in it for all parties concerned. The farmers that compose our organization protest most emphatically against the ratification and believe it not only their duty but their privilege to ask their friends to show their friendship not only by having their votes unmistakably recorded against the ratification of this agreement but by hard work against it as well.

GRAIN GROWERS' DEPARTMENT NATIONAL UNION A. S. E.,  
THEO. G. NELSON, President.

#### FARMERS AND PROTECTIVE TARIFF. [From Cooperators' Guide.]

It is barely possible that the proposed "reciprocity" agreement with Canada will force an alignment of interests and people in this country on two sides of the question, "Is the farmer and farming the foundation of the whole country's prosperity and general welfare?"

The farmer has responded to calls for help to maintain the protective-tariff policy of this country up to the present time. He has not done it because of any direct benefits that he might derive. He has done it by yielding to the argument that he should help protect infant industry, manufacturing in particular, and thus create a greater consumption of his products at home. It was explained to the farmer that the net profit to him would be greater if his products were consumed at home instead of being sent to foreign countries to be consumed. It was agreed that the transportation charges, as well as some handling charges, would be saved and added to his profits. The farmer agreed in good faith, but the other fellow has been a rascal all along the line, and the farmer would be justified in requiring the duty removed from a great many manufactured articles, but maintained at its present standard on all farm products.

First we beheld the wholesale fraud in the collection of duty on sugar products, making it almost impossible for sugar-cane and sugar-beet growers in this country to develop their industry in any manner.

Then the evasion of the duty on grain in the form of the notorious drawback clause. This made it possible for the grain manufacturing interests to import grain from foreign countries and thus be able to keep their business in operation at a profit, regardless of what happened to the grain grower at home. Hundreds of other little instances of similar character that have taken place in the past need not be mentioned.

The people of this country must line up for or against the farmer and his direct interests in the immediate future; that is, if the farmer will bestir himself in the least. It may be that the manufacturing and other commercial interests will recede from their position for the present, but look out for the dog in the manger if they do.

We have recently had the effort to flood the markets of this country with cheap barley by a temporary suspension of the duty on it, and thus destroy the market for home-grown barley when it gets ready this fall. Then came the announcement about the Government having been defrauded of \$5,000,000 annually by neglecting to collect duty on tobacco from foreign countries. No wonder the American Tobacco Co. has been able to resist the American tobacco growers as persistently at it has.

Now, to cap the climax, comes the proposed "reciprocity" agreement with Canada. Letting down the bars on raw foodstuffs from Canada to the United States and on agricultural implements from the United States to Canada would flood American markets with Canadian farm products, and the manufacturers' market for farm implements would stimulate a demand for them at home, and with it an increase in price on farm implements for American farmers.

Farm products in free, agricultural implements out free, and prices on farm products down and on farm implements up, may sound like merry music to some, but if the American farmer will stop to listen to it awhile it may prove to be a bugle call to battle.

Fortunately for the American farmer there are now farmers' organizations strong enough to shake the country from end to end if it be necessary in order to prevent an injustice being done. This is an occasion when every farmer in the country who has not made himself a part of any organization should do so at once. We want nothing better to prove that if farmers shall not be a doormat for other classes of people they must at all times set aside a part of their income for the maintenance of an organization.

Farmers can not rise quickly and unitedly as they have done on several occasions these last years without being organized.

Let us hope the impending danger will stimulate every mother's son who has been a member of a farmers' organization and dropped out by nonpayment of dues to pay up at once, as well as to induce others who have not as yet joined to do so at once.

Let us make our machine as powerful and as perfect as possible and in as short a time as possible, so that we may be ready to successfully combat any onslaughts that may be made on our business as farmers at any time. Let us be ready to take justice if we can not get it. If we are to continue as a protective-tariff country, let the tariff apply alike everywhere.

Mr. BURNHAM. I present a telegram from the mayor and other officials of the city of Berlin, N. H., which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the telegram was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

BERLIN, N. H., February 13, 1911.

HON. HENRY E. BURNHAM,  
United States Senator, Washington, D. C.:

We believe that if the proposed reciprocity agreement with Canada is approved that the pulp and paper interests of Berlin, N. H., and vicinity will be seriously crippled, and we therefore vigorously protest against the adoption of the same.

DANIEL J. DALEY,  
Mayor.

L. J. COTE,  
President Board of Trade.

A. M. STAHL,  
Ex-Senator and President of City National Bank

A. E. BEAN,  
Postmaster.

F. D. BARTLETT,  
Ex-Mayor.

A. L. FORBES,  
President of Berlin Savings Bank & Trust Co

W. H. GERRISH,  
President of Berlin National Bank.

J. W. MOFFETT,  
President Local No. 29, International

Brotherhood of Paper Makers.

EDWARD DESELETS,  
Secretary Local No. 30, International Brotherhood  
Pulp Sulphite Paper Mill Workers.

Mr. BURNHAM presented a petition of Franklin Pierce Council, Junior Order United American Mechanics, of Concord, N. H., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. GALLINGER. I present various telegrams in the nature of memorials from manufacturers or men engaged in the paper industry in New Hampshire, remonstrating against the ratification of the reciprocity agreement with Canada. I ask that simply the names appended to the telegrams be printed in the RECORD.

There being no objection, the telegrams were referred to the Committee on Finance and the names appended thereto were ordered to be printed in the RECORD, as follows:

The memorial of Dr. A. A. Beaton, of Franklin, N. H.  
The memorial of E. K. Sawyer, ex-mayor of Franklin, N. H.  
The memorial of Omar R. Towne, of Franklin, N. H.  
The memorial of Warren F. Darnell, of Franklin, N. H.  
The memorial of W. W. Edwards, of Franklin, N. H.  
The memorial of A. W. Sulloway and Frank Proctor, of Franklin, N. H.

The memorial of L. O. Calley, of Franklin, N. H.  
The memorial of Frank H. Dainell, of Franklin, N. H.  
The memorial of W. R. Brown, of Berlin, N. H.  
The memorial of Daniel J. Daley, mayor; A. E. Bean, postmaster; F. D. Bartlett, ex-mayor; L. J. Cote, president Board of Trade; A. M. Stahl, ex-senator and president of City National Bank; A. L. Ferbush, president of Berlin Savings Bank & Trust Co.; W. H. Gerrick, president of Berlin National Bank; J. W. Moffett, president Local No. 29, International Brotherhood of Paper Makers; Edward Deselets, secretary Local No. 30, International Brotherhood Pulp Sulphite Paper Mill Workers, of Berlin, N. H.

Mr. GALLINGER presented a petition of Franklin Pierce Council, Junior Order United American Mechanics, of Concord, N. H., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. KEAN presented the petition of Miss Eleanor Mombert, of Paterson, N. J., praying for the passage of the so-called children bureau bill, which was ordered to lie on the table.

He also presented petitions of Washington Camps Nos. 116, of Elberon; No. 62, of Woodbury; No. 107, of Camden; No. 125, of Greenwich, Patriotic Order Sons of America; and of United Building Trades Council, No. 638, of Morristown, all in the State of New Jersey, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a memorial of Manalapan Grange, No. 190, Patrons of Husbandry, of Englishtown, N. J., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented the petition of William Barlow, of East Rutherford, N. J., praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of Local Union No. 1806, United Brotherhood of Carpenters and Joiners, of Long Branch, N. J., and a petition of Middlesex Lodge, No. 329, International Association of Machinists, of New Brunswick, N. J., praying for the construction of the battleship *New York* in a Government navy yard, which were referred to the Committee on Naval Affairs.

He also presented a petition of the General Committee of Adjustment, Brotherhood of Locomotive Engineers, of the Central Railroad of New Jersey, praying for the enactment of legis-

lation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Montclair, Burlington, Haddonfield, Merchantville, Camden, Collingswood, Oradell, Orange, Westmont, Rutherford, Newark, Westfield, Perth Amboy, Riverton, Deal Beach, Salem, Glen Ridge, South Orange, Morristown, Little Falls, Audubon, Beverly, Gloucester, Williamstown, Plainfield, Leonia, and Wenonah, all in the State of New Jersey; of the Priscilla Publishing Co., of Boston, Mass.; of the Balch Publishing Co., of Chicago, Ill.; and of the Siegfried Co., of New York City, N. Y., remonstrating against any change being made in the rates on periodicals and magazines, which were ordered to lie on the table.

Mr. FLETCHER presented a memorial of the Central Trades and Labor Assembly, of Tampa, Fla., remonstrating against the repeal of the present law relative to the printing by the Government of notes, bonds, and checks, which was referred to the Committee on Printing.

He also presented a memorial of the Hardwood Manufacturers' Association of the United States, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. WETMORE presented a petition of the governor and sundry other prominent citizens in the State of Rhode Island, praying for the enactment of legislation providing for the completion of the harbor of refuge at Point Judith by the construction of a landing place in that harbor, which was referred to the Committee on Commerce.

Mr. DICK. I present a resolution adopted by the Senate of the Legislature of the State of Ohio, which I ask may lie on the table and be printed in the Record.

There being no objection, the resolution was ordered to lie on the table and to be printed in the Record, as follows:

Senate resolution 25.

Whereas the people of California have raised seventeen and one-half million dollars for the purpose of holding an international exposition at San Francisco in 1915 to celebrate the opening of the Panama Canal, and neither ask nor desire aid from Congress other than a mere invitation to foreign nations to participate in said exposition; and

Whereas the House of Representatives of the United States of America January 31, 1911, by decisive vote has chosen San Francisco as the city in which to hold the exposition commemorating the opening of the Panama Canal: Therefore

Resolved, That the city of San Francisco be, and the same is hereby, indorsed as a proper and fitting site for the holding of said exposition.

Mr. DICK presented the memorial of Leslie B. Denning, of Columbus, Ohio, remonstrating against the passage of the so-called Moon law, relative to the taking of cases of a State to the Federal courts, which was referred to the Joint Committee on the Revision of the Laws of the United States.

He also presented a petition of sundry veterans of the Grand Army of the Republic of Canton and Fredericksburg, in the State of Ohio, praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Portsmouth and Vermillion, in the State of Ohio, praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Buckeye Lodge, No. 89, Brotherhood of Locomotive Firemen and Engineers, of Springfield, Ohio, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Central Ohio Farmers' Institute, of Westerville, Ohio, praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Branch No. 27, Glass Bottle Blowers' Association, of Reading, Ohio, praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Ohio Brotherhood of Thrashermen, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. BRIGGS presented petitions of Washington Camps Nos. 125, of Greenwich; 137, of Roebing; 107, of Camden; 54, of Baptisttown; 150, of Titusville; 61, of Flemington; Hammon-ton; 14, of Trenton; 141, of Hopewell; 23, of Palmyra; 86, of Smithburg, Patriotic Order Sons of America; of Local Union No. 139, of Jersey City; Local Union No. 118, of Jersey City; and of Local Union No. 638, of Morristown, United Brotherhood of Carpenters and Joiners of America, all in the State of New

Jersey, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented petitions of Middlesex Lodge, 329, of New Brunswick, and district 47, of Newark, International Association of Machinists; Metal Trades Council of Newark; and the Mercer County Central Labor Union, of Trenton, all in the State of New Jersey, praying for the construction of the battleship *New York* in a Government navy yard, which were referred to the Committee on Naval Affairs.

He also presented a petition of the general committee on adjustment, Brotherhood of Locomotive Engineers, of the Central Railroad of New Jersey, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented the memorial of Helen F. Conover, of the Mount Vernon Ladies' Association, of Princeton, N. J., remonstrating against the establishment of a reformatory on the Belvoir tract near Mount Vernon, Va., which was ordered to lie on the table.

He also presented the petition of Felix S. Jacobson, of Arlington, N. J., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented a memorial of the Young Friends' Association, of Swedesboro, N. J., remonstrating against any appropriation being made for the fortification of the Panama Canal, which was referred to the Committee on Inter-oceanic Canals.

He also presented a memorial of Local Grange No. 182, Patrons of Husbandry, of Westville, N. J., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of the Woman's Club of Cliff-side Park, Grantwood, N. J., praying for the enactment of legislation to provide for the strict enforcement of the present pure food and drugs law, which was referred to the Committee on Manufactures.

He also presented a petition of Local Union No. 1532, United Brotherhood of Carpenters and Joiners of America, of Camden, N. J., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. PILES presented a petition of Hope Lodge, No. 79, International Association of Machinists, of Seattle, and of Amalgamated Glass Workers' International Association, No. 163, of Seattle, in the State of Washington, praying that the battleship *New York* be built in a Government navy yard, which were referred to the Committee on Naval Affairs.

He also presented a petition of Local Council, Junior Order United American Mechanics, of Spokane, Wash., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. BURTON presented a memorial of Locust Point Grange, No. 1292, Patrons of Husbandry, of Ottawa County, Ohio, and a memorial of Local Grange No. 560, Patrons of Husbandry, of Roxbury, Ohio, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. SMITH of Michigan. I present a resolution adopted by the Legislature of the State of Michigan, which I ask may lie on the table and be printed in the Record.

There being no objection, the resolution was ordered to lie on the table and to be printed in the Record, as follows:

Senate resolution 45.

Whereas there is now pending in the Senate of the Congress of the United States a bill known as the Sulloway pension bill, which provides that all veterans of the Mexican and Civil Wars shall receive a pension of \$15 per month at the age of 62, \$20 at the age of 65, \$25 at the age of 70, and \$36 per month at the age of 75 years. The bill also provides that all veterans who are wholly incapacitated to perform labor shall receive a pension of \$36 per month with no age limitation. The bill above referred to has already passed the House of Representatives by an overwhelming vote and is now pending in the Senate: Therefore be it

Resolved by the senate (the house of representatives concurring), That the Michigan Legislature go on record as favoring the early enactment of this bill, and that a copy of this resolution be forwarded at once to the United States Senators from Michigan, urging them to use every effort to secure the passage of the bill.

The question being on the adoption of the resolution. The resolution was adopted.

Mr. SMITH of Michigan presented a petition of the officers and enlisted men of the Third Battalion Band and hospital detachment, Second Infantry, Michigan National Guard, praying for the passage of the so-called militia pay bill, which was referred to the Committee on Military Affairs.

Mr. SHIVELY presented a memorial of Local Grange No. 2142, Patrons of Husbandry, of Seymour, Ind., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of Local Branch No. 133, Glass Bottle Blowers' Association, of Indianapolis, Ind., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of Washington Camps, No. 4, of Leyons Station, and No. 34, of Indianapolis, Patriotic Sons of America; of Local Unions No. 113, of Chesterton, and No. 1797, of Lebanon, United Brotherhood of Carpenters and Joiners of America; and of Local Council No. 17, Junior Order United American Mechanics, of Hartford City, all in the State of Indiana, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented memorials of sundry business firms of Crawfordsville; of Fred W. Avery, sr., of St. Paul; and S. N. McIntosh, of Vilas, all in the State of Indiana, remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

He also presented a petition of the Indiana State Federation of Labor, praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

Mr. CARTER presented a petition of the Local Typographical Union of Anaconda, Mont., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. DEPEW presented petitions of the Common Council of Buffalo, the Amicus Club of Buffalo, the Produce Exchange of New York, and sundry citizens of Dunkirk and Jamestown, all in the State of New York, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented memorials of the Congress of the Knights of Labor; the Pomona Grange, Patrons of Husbandry, of Jefferson County; the National Grange, Patrons of Husbandry; and the Dina Paper Co., of Harrisville, all in the State of New York, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of Local Typographical Union No. 530, of Waverly, N. Y., and a petition of Washington Camp, No. 15, Patriotic Order Sons of America, of Lestershire, N. Y., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of William Richardson Post, No. 254, Department of New York, Grand Army of the Republic, of Buffalo, N. Y., and a petition of Ira Thurber Post, No. 584, Department of New York, Grand Army of the Republic, of Allegany, N. Y., praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

He also presented petitions of the State Federation of Labor, the International Molders' Conference Board of Buffalo, and of sundry citizens of New York City, all in the State of New York, praying that the battleship *New York* be constructed in a Government navy yard, which were referred to the Committee on Naval Affairs.

Mr. RAYNER presented petitions of Washington Camps Nos. 35, of Henderson; 43, of Doubbs; and 73, of Hampstead, Patriotic Order Sons of America, all in the State of Maryland, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. WARREN presented a memorial of the Wyoming Woolgrowers' Association, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

CHEYENNE, WYO., February 13, 1911.

Senator FRANCIS E. WARREN,  
Washington, D. C.:

Woolgrowers and sheep farmers of Wyoming protest against the feature of proposed Canadian reciprocity treaty which will permit entry free to United States live sheep while dressed meats are admitted at rate 13 cents per pound, and you are respectfully urged to put forth your best endeavor to secure elimination from the bill of the free-sheep clause, which we regard as inimical to best interests of our people and which would permit of importation large quantities of wool on sheep's backs duty free. The entire proposition, as we view it, is in interests of manufacturers and beef trust and will greatly reduce the value of sheep and wool, farm products, and farm lands.

GEORGE S. WALTER,  
Secretary Wyoming Woolgrowers' Association.

He also presented a memorial from the Congress of the Knights of Labor, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

CONGRESS OF THE KNIGHTS OF LABOR,  
GENERAL OFFICE, 667 STATE STREET,  
Albany, N. Y., February 11, 1911.

Hon. FRANCIS E. WARREN,  
United States Senate, Washington, D. C.

DEAR SIR: We would respectfully solicit your cooperation to defeat the passage of the McCall bill, which seeks to enact into law the reciprocity agreement entered into between the Department of State and the Canadian Government, as any downward revision of the tariff such as this agreement proposes would be unjust to both the manufacturing and agricultural interests of the United States, and would ultimately mean one of two things—the closing of American factories, mills, and workshops, or the American workmen will have to accept a reduction in wages to correspond with those paid in foreign countries.

Faithfully, yours,

CONGRESS OF THE KNIGHTS OF LABOR,  
J. R. MANSION, Secretary and Treasurer.

He also presented a memorial of the Manufacturers' Club of Philadelphia, Pa., which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Whereas the Manufacturers' Club stands now, as in the past, for adequate protection for every American industry, whether of farm, factory, or forge, mine, or mill; and

Whereas the so-called reciprocity agreement or treaty with Canada is a new plan for piecemeal tariff revision in its most objectionable form, in that it is accomplished in secret consultation with a foreign country rather than by open discussion and the right of amendment by Congress; and

Whereas the provisions of the treaty are objectionable, in that they violate the principle of protection for the American producers in all lines of industry, and is but the first step in that free-trade propaganda which will, if successful, bring the working people of this country to the point of distress and suffering which we endured from 1894 to 1897, hence it is as objectionable in its matter as in the manner of its accomplishment: Therefore

Resolved by the board of directors of the Manufacturers' Club of Philadelphia, That we urge our Senators and Representatives in Congress to oppose to the full extent of their power the passage through Congress of any bill to enact said agreement or treaty into law; and

Resolved, That a copy of this resolution be sent to our Senators and Members of Congress.

FEBRUARY 13, 1911.

ELMER P. WEISE, Secretary.

He also presented memorials of the Chamber of Commerce of Watertown, N. Y., the Hardwood Manufacturers' Association of the United States, and the E. K. Burnham Fish Co., of Gloucester, Mass., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of the State Federation of Labor of Wyoming, praying for the construction of the battleship *New York* in a Government navy yard, which was referred to the Committee on Naval Affairs.

Mr. FRYE presented memorials of Local Granges No. 325, of Charleston; No. 236, of Dover and Perry; and of Mystic Tie Grange, No. 58, of Kenduskeag; Mount Cutler Grange, No. 152, of Hiram; Valley Grange, No. 144, of Guilford; and of Union Harvest Grange, No. 97, of Montville, Patrons of Husbandry, in the State of Maine, remonstrating against the ratification of the reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of members of I. C. Campbell Post, No. 1, Grand Army of the Republic, Department of Maine, of West Pembroke, Me., praying for the enactment of legislation providing for the construction of the proposed Lincoln memorial road from the city of Washington to Gettysburg, Pa., which was referred to the Committee on Appropriations.

#### CHEROKEE ALLOTMENTS.

Mr. OWEN. I present the memorial of William W. Hastings, national attorney for the Cherokee Nation of Indians, remonstrating, on behalf of these Indians, against the passage of Senate bill 10575, authorizing William Brown, Levi B. Gritts, R. M. Wolfe, and F. J. Boudinot to institute and prosecute suits in the Court of Claims proposing to test the constitutionality of the McCumber amendment, so called, extending restrictions on the alienation of land and testing the right of newborn children to Cherokee allotments. I desire to have the memorial printed as a Senate document for the information of the Senate, and I move that it be referred to the Committee on Printing for its consideration.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. CULLOM. I am directed by the Committee on Foreign Relations, to which was referred the special message of the President of the United States transmitting correspondence embodying an agreement between the Department of State and the Canadian Government in regard to reciprocal tariff legislation, and so forth, to ask that the committee be discharged from its

further consideration and that the message and accompanying papers be referred to the Committee on Finance.

The PRESIDENT pro tempore. Without objection, the message and accompanying papers will be referred to the Committee on Finance.

Mr. WETMORE, from the Committee on the Library, to which was referred the bill (H. R. 7549) providing for the erection of monuments, respectively, to Gens. Daniel Stewart and James Screven, two distinguished officers of the American Army, reported it with amendments and submitted a report (No. 1156) thereon.

He also, from the same committee, to which was referred the bill (S. 527) for the erection of a statue to the memory of Gen. James Miller at Peterboro, N. H., reported it with an amendment and submitted a report (No. 1157) thereon.

Mr. CURTIS, from the Committee on Pensions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

H. R. 31724. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors (Rept. No. 1158); and

H. R. 32078. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors (Rept. No. 1159).

Mr. BRIGGS, from the Committee on the Library, to which was referred the bill (H. R. 9137) to authorize the expenditure of the sum of \$25,000 as a part contribution toward the erection of a monument at Germantown, Pa., in commemoration of the founding of the first permanent German settlement in America, reported it without amendment and submitted a report (No. 1160) thereon.

Mr. BURNHAM, from the Committee on Claims, to which was referred the amendment submitted by himself on the 13th instant, proposing to appropriate \$540 to pay Harry B. Straight for extra clerical services in connection with the preparation of the omnibus claims bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. WARREN. I am directed by the Committee on Military Affairs, to which was referred the bill (S. 10637) for the relief of James D. White, to report it back and request that the committee be discharged from its further consideration and that it be referred to the Committee on Claims.

The PRESIDENT pro tempore. Without objection, the bill will be referred to the Committee on Claims.

Mr. BACON, from the Committee on the Judiciary, to which was referred the bill (S. 10623) to amend section 11, act of May 28, 1896, reported it without amendment.

#### MARGARET PADGETT.

Mr. DAVIS. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 25569) to authorize a patent to be issued to Margaret Padgett for certain public lands therein described, and at the request of the senior Senator from Mississippi [Mr. MONEY], who is unable to be in the Chamber to-day, I ask unanimous consent for its present consideration.

Mr. SMOOT. If it leads to no discussion, I have no objection.

Mr. DAVIS. It is a very small matter and no debate will be necessary.

Mr. SMOOT. I have no objection, I say, unless it leads to discussion.

Mr. DAVIS. No; it will not. It will not take a minute to pass it.

The PRESIDENT pro tempore. The bill will be read to the Senate for its information.

The Secretary read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and is hereby, authorized to accept the final proof offered by Margaret Padgett on homestead entry No. 35777, covering the west half of the northeast quarter, southeast quarter of the northeast quarter, and northwest quarter of the southeast quarter of section 19, township 2 north, range 7 east, Choctaw meridian, Mississippi, which was rejected as not showing sufficient five-year residence, as a commutation proof and issue patent on same upon the payment of the commutation price of \$1.25 per acre.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ELECTION OF SENATORS BY DIRECT VOTE.

Mr. LODGE. Mr. President, yesterday the junior Senator from Idaho [Mr. BORAH] gave notice that to-morrow he would

press Senate joint resolution 134, proposing an amendment to the Constitution, and that he would ask the Senate to remain in session until it was disposed of. I sincerely hope it may be disposed of at a very early time, and I wish we could make an agreement to vote.

But I desire to call the attention of the Senate, Mr. President, to the fact, as that vote is drawing near, that in the vote on the final passage pairs to be valid must be two for to one against. I thought it might have escaped the notice of some Senators, and if they were obliged to be away I wanted to call attention to the fact that, being a two-thirds vote, according to the practice which we have always employed with regard to treaties—and it has been universal where a two-thirds vote is required, and, of course, it is obviously the only fair way—there must be two for to one against.

Mr. HEYBURN. Should it not be one to three?

Mr. LODGE. One to two.

Mr. HEYBURN. No; two-thirds. That is the proportion.

Mr. GALLINGER. That is two to one.

Mr. LODGE. It is the clear, universal practice here for years, where a two-thirds vote is required, that it requires two votes in favor to equal one against.

Mr. HEYBURN. I do not know about that.

Mr. LODGE. That is the universal practice. It never has been departed from.

Mr. BEVERIDGE. I ask the Senator from Massachusetts if the Constitution in requiring a two-thirds vote says it shall be two-thirds of the Senators who are elected and holding office or only two-thirds of the Senators who are present, assuming a quorum to be present?

Mr. LODGE. Provided a quorum is present. I am speaking simply of pairs. For the convenience of Senators, where a two-thirds vote has been required, it has been the universal practice, and of course obviously the only fair practice, that a pair, to be valid, as on the ratification of a treaty, must be two for to one against.

Mr. BEVERIDGE. I do not think so.

Mr. BROWN. I call the Senator's attention to the fact that pairs are not recognized at all under the law. They are simply exercised by the courtesy of the Senate.

Mr. LODGE. I am aware of that.

Mr. BROWN. This proposition to pair at the ratio of two to one will be objected to, and all pairs will be objected to if that is to be the rule of procedure.

Mr. LODGE. Very well, if all pairs are to be objected to and broken, that is all right. There is no objection to that at all.

Mr. BROWN. I am not objecting to all pairs being broken, but I will object to that if it is necessary to defeat the operation of pairs on the ratio of two to one.

Mr. LODGE. The Senator kindly called my attention to the fact that pairs are voluntary. I am not very quick, but I had found that out in the course of my service here. I was referring to that voluntary arrangement. It is merely a matter of good faith. I have seen it on a very close vote when we ratified a treaty; when we ratified the treaty with Spain. I have seen Senators on this floor who were present and able to vote come forward voluntarily in order to make the necessary duplication. It is a matter for all Senators to decide for themselves. There is no rule about it. No objection can stop the arrangement of pairs. I was simply calling the attention of the Senate to what had been the universal practice and what is obviously fair. No objection can prevent it.

Mr. BEVERIDGE. An objection can prevent it.

Mr. LODGE. It never has been otherwise.

The PRESIDENT pro tempore. The Senate will receive a message from the House of Representatives.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 32473) for the relief of the sufferers from famine in China.

The message also announced that the House had passed a bill (H. R. 32216) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes, in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 10326. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 10327. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

S. 10453. An act granting pensions and increase of pension to certain soldiers and sailors of the Regular Army and Navy and soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

S. 10454. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 31860. An act permitting the building of a wagon and trolley-car bridge across the St. Croix River, between the States of Wisconsin and Minnesota; and

H. R. 31922. An act to authorize the Virginia Iron, Coal & Coke Co. to build a dam across the New River near Foster Falls, Wythe County, Va.

#### ELECTION OF SENATORS BY DIRECT VOTE.

The PRESIDENT pro tempore. Reports of committees are in order.

Mr. BEVERIDGE. I know that debate upon the matter which has been before the Senate is out of order, but there is just one point raised by the Senator—

Mr. KEAN. Let us have the regular order.

The PRESIDENT pro tempore. The regular order is demanded.

Mr. BEVERIDGE. In my view I do not think it would be wise. Senators can try it if they like.

The PRESIDENT pro tempore. The regular order, which is reports of committees, is demanded.

#### OATHS BY MARSHALS AND DEPUTIES.

Mr. CLARK of Wyoming. From the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 31657) to authorize United States marshals and their respective chief office deputies to administer certain oaths, and I ask for its consideration. It is very short and rather important.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It empowers each United States marshal and each chief deputy United States marshal to administer oaths to the marshal's deputies and other persons presenting to the marshal claims and accounts for payment. But the United States marshal or chief deputy marshal shall not be entitled to any fee for administering such oaths.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MINNESOTA RIVER DAMS.

Mr. NELSON. From the Committee on Commerce I report back favorably without amendment the bill (S. 10452) to authorize the Minnesota River Improvement & Power Co. to construct dams across the Minnesota River, and I submit a report (No. 1155) thereon. I ask for its present consideration, as it is a very short bill.

The Secretary read the bill.

Mr. BRANDEGEE. I shall not object to the present consideration of this bill, but I give notice that I shall call for the regular order after it has been passed.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Minnesota River Improvement & Power Co., a corporation organized under the laws of the State of Minnesota, its successors and assigns, to construct, maintain, and operate dams across the Minnesota River at points suitable to the interests of navigation, as follows:

First. One at or near the outlet of Lake Big Stone, in the counties of Big Stone and Lac qui Parle, Minn., and the county of Grant, S. Dak., and in that connection to divert the waters of the Whetstone River into Big Stone Lake.

Second. One at or near the outlet of Lac qui Parle, between the counties of Lac qui Parle and Chippewa, in the State of Minnesota.

Third. One at or near the confluence of the Redwood and Minnesota Rivers, between the counties of Renville and Redwood, in said State. Each of the dams are to be constructed, maintained, and operated in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act

entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TAYLOR:

A bill (S. 10803) for the relief of M. E. Hall and the estate of James B. Hall, deceased; to the Committee on Claims;

A bill (S. 10804) granting a pension to John W. Sturm; and

A bill (S. 10805) granting an increase of pension to Ollie M. Croghan; to the Committee on Pensions.

By Mr. ROOT:

A bill (S. 10806) for the relief of Christopher H. McNally and certain other Army officers and their heirs or legal representatives; to the Committee on Claims.

By Mr. WETMORE:

A bill (S. 10807) granting a pension to Mary E. Horrigan (with accompanying papers); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 10808) to authorize the Greeley-Arizona Irrigation Co. to build a dam across the Colorado River at or near Head Gate Rock, near Parker, in Yuma County, Ariz.; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. CUMMINS:

A bill (S. 10809) granting an increase of pension to James Y. Kennedy (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT (by request):

A bill (S. 10810) for the relief of the heirs of Philippe Francois Renault; to the Committee on Claims.

By Mr. CARTER (by request):

A bill (S. 10811) for the relief of certain tribes or nations of Indians in Montana; to the Committee on Indian Affairs.

By Mr. SMOOT:

A bill (S. 10812) granting a pension to Budge T. Underwood (with accompanying paper); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 10813) authorizing the Secretary of the Interior to permit the Missouri, Kansas & Texas Coal Co. and the Eastern Coal & Mining Co. to exchange certain lands embraced within their existing coal leases in the Choctaw and Chickasaw Nation for other lands within said nation (with accompanying paper); to the Committee on Indian Affairs.

By Mr. McCUMBER:

A bill (S. 10814) granting a pension to John D. Smith; to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 10815) granting a pension to Elias Brown (with accompanying papers); and

A bill (S. 10816) granting an increase of pension to Mary Walls (with accompanying paper); to the Committee on Pensions.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. BRIGGS submitted an amendment relative to the appointment of cadets at the United States Military Academy, etc., intended to be proposed by him to the Military Academy appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. SCOTT submitted an amendment proposing to appropriate \$5,000 for the erection and completion of the memorial structure at Point Pleasant, W. Va., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GORE submitted an amendment proposing to appropriate \$5,000 for the purchase, capture, and transportation of game for national reservations, intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. BANKHEAD submitted an amendment proposing to appropriate \$110,000 for the promotion of the ramie industry, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. OLIVER submitted an amendment relative to the rate of postage on pages of any publication, etc., intended to be proposed by him to the post office appropriation bill, which was ordered to lie on the table and be printed.

Mr. FRYE submitted an amendment relative to the construction of two revenue cutters authorized by the act of April 21, 1910, etc., intended to be proposed by him to the sundry civil

appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

#### TARIFF ON IMPORTS.

Mr. SCOTT. I present a table showing imports of various kinds of competitive merchandise from August 1, 1909, to December 1, 1910, under the Payne law compared with the same months in 1908-9, under the Dingley and Payne law. I move that the table be printed as a Senate document (S. Doc. No. 821).

The motion was agreed to.

#### POSTAGE ON PERIODICALS.

Mr. PENROSE. I present communications from the Postmaster General relating to the proposed amendment to the Post Office appropriation bill providing for an increase of the postage rate on advertising portions of periodical publications mailed as second-class matter. I move that the communications be printed in the RECORD, and also as a Senate document.

There being no objection, the communications were ordered to be printed as a Senate document (S. Doc. No. 820), and also in the RECORD, as follows:

#### PERIODICAL PUBLICATIONS MAILED AS SECOND-CLASS MATTER.

OFFICE OF THE POSTMASTER GENERAL,  
Washington, D. C., February 14, 1911.

MY DEAR SENATOR: In response to your request I submit the following statement relative to the section of the postal appropriation bill, H. R. 31539, now pending in the Senate that provides for an increase in the postage rate on the advertising portions of periodical publications mailed as second-class matter.

Under the provision in the bill the postage rate on the advertising pages of magazines is increased from 1 cent to 4 cents a pound, but this increase does not apply to newspapers of any kind, nor does it affect periodical publications mailing less than 4,000 pounds each issue. By the terms of the provision the privilege of carrying advertisements is for the first time extended to several classes of periodical publications enumerated in the act of March 3, 1879, namely, the periodical publications of benevolent or fraternal organizations, of regularly incorporated institutions of learning, of trade union organizations, and of professional, literary, historical, and scientific societies, including State boards of health.

As the advertising portions of magazines comprise on an average about a third of their total weight the effect of an increase from 1 to 4 cents on the advertising pages will be to advance the postage rate for second-class matter as a whole about 1 cent, making the second-class rate 2 cents a pound instead of 1 cent, as at present. In view of the fact that it costs the Government about 9 cents a pound to handle and transport this class of mail the proposed increase is an exceedingly moderate one.

In a whole-page newspaper advertisement printed on the 12th instant, signed by 34 of the principal magazine and periodical publications of the country, it is stated that the increased rate "will drive a majority of the popular magazines out of existence, and with them the enormous volume of profitable first-class mail their advertising creates." This charge is made in the face of the fact that some, if not all, of the signers of the statement are realizing tremendous profits from the vast amount of high-priced advertisements.

It has been found on investigation that one of the great periodical publications signing this protest contained in 21 of its successive issues, from January 1, 1910, to and including May 21, 1910, exclusive of cover pages, an average of 19,354 agate lines of advertising matter, which, at the same rate, would make a total of 1,006,408 lines for the year.

On October 1, 1910, the publisher of this periodical increased the rate for ordinary advertising in his publication from \$5 to \$6 an agate line. At the higher rate the gross value of the ordinary advertising space for one year would amount to \$6,038,448. Increased rates charged for the inside and outside cover pages would bring \$650,000, making a total gross value of \$6,688,448. Allowing a discount of 15 per cent, or \$1,003,267, there would remain as a total net value of the advertising in this publication for a single year the tremendous sum of \$5,685,181. The additional income from advertising resulting from the increased rates would amount in a year to \$957,107, which would be much more than sufficient to pay the proposed higher postage rate of 4 cents a pound on the advertising pages of the publication during the fiscal year ended June 30, 1910. In other words, the advance in advertising rates for this periodical will not only meet the higher postage charges, but will leave a surplus of increased revenue to swell the annual profits of the magazine.

In a printed statement recently issued by the president of one of the leading magazine-publishing companies of New York City, the exceedingly profitable nature of the magazine business was clearly set forth. According to his statement the profits of his own magazine for the month of October, 1910, showed an increase over the corresponding month for 1909 of 100 per cent on advertisements and 151 per cent on subscriptions, making a net annual profit for dividends and surplus, based on a circulation of 500,000 copies monthly, of \$348,980. Regarding the periodical-publishing business in general, the same gentleman says in his statement that magazine publishers receive gross incomes as high as \$6,000,000 in a single year. Dividends amounting approximately to \$1,000,000 yearly have been made. Speaking of the publishers of some of the magazines joining in the protest against the proposed legislation, he says that one of them, according to his own statement, realizes a net profit of \$1,000,000 annually; of another, the principal owner of two great publications, that his gross income is more than \$6,000,000 annually, and that his net profits for the same period exceed \$1,000,000; of another, that his magazine yields more than 10 per cent on a capital of \$10,000,000; of another, that his net profits are \$600,000; of another, that the value of his advertising space alone is \$1,500,000 a year; of another, that his advertising receipts are \$75,000 per month and his profits are from \$600,000 to \$800,000 per year; of still another, that his publishing business represents a profit of 100 per cent a year to its stockholders.

Investigations recently made by the Post Office Department showed that large numbers of periodical publications already entered as second-class matter are in reality nothing more than trade catalogues, which,

under the law, ought to be treated as third-class matter and subjected to a postage charge of 8 cents a pound, which is the rate for catalogues. By inserting a few pages of reading matter these publications succeeded in being classed as magazines and thus secured admission at the cent-a-pound rate. Among publications of this kind is one containing 140 pages, 99 per cent of which are devoted to advertisements; another containing 562 pages, 97 per cent of which are devoted to advertisements; another containing 238 pages, 93 per cent of which are devoted to advertisements; and another containing 268 pages, 89 per cent of which are devoted to advertisements. Almost the entire space in these publications is devoted to the carrying of commercial advertisements, and this in defiance of the statute specifically excluding from the second-class privileges "publications designed primarily for advertising purposes."

By the proposed law, magazines, in so far as they provide public information, are left exactly on a par with newspapers and the smaller periodicals, for the increase of rate of 3 cents a pound attaches only to such portions of the magazines as are devoted to advertising purposes.

The stock argument of magazine publishers that the profit to the Government on first-class matter induced by the advertisements in their publications offsets any loss incurred by reason of the low postage rate on second-class matter is disproved by the fact that the Government's entire profit on first-class matter is less than the total loss on second-class matter.

During the fiscal year 1910 over 800,000,000 pounds of second-class matter were carried through the mails at a loss to the Government of \$62,000,000. The profits on all other classes of mail matter were more than swallowed up by this tremendous loss, leaving a postal deficit for the year of about \$6,000,000. It is estimated that the annual saving to the Government through the proposed increase in postage will amount to about \$6,000,000, or enough to wipe out what remains of the deficit.

Magazines have repeatedly increased their advertising rates as their circulation has grown, but the postal charges for the handling and transportation of these magazines have remained stationary for years, so that while this increased circulation has swollen the profits of the publishers it has added correspondingly to the loss sustained by the Government. It is clearly inequitable that the public in its general correspondence, the publishers of books and pamphlets, and the senders of small merchandise should continue to be taxed to meet the deficit caused by a subsidy enjoyed by the publishers of the large magazines.

Yours, very truly,

FRANK H. HITCHCOCK,  
Postmaster General.

HON. BOIES PENROSE,  
Chairman Committee on Post Offices and Post Roads,  
United States Senate.

OFFICE OF THE POSTMASTER GENERAL,  
Washington, D. C., February 14, 1911.

MY DEAR SENATOR: Observing that the periodical publishers in their opposition to the pending provision increasing postage on second-class mail matter frequently refer to the low rate of one-fourth cent per pound charged by the Dominion of Canada on newspapers and periodicals, I think it well to point out the fact that while this exceptionally low rate does prevail in that country because of the peculiar conditions there, European countries, so far as our information goes, charge a higher rate than the United States, notwithstanding their much smaller areas. The rates charged by Great Britain, Germany, and France are considerably higher than the rate provided for in the bill now pending in the Senate. I inclose herewith a memorandum giving such information as we have regarding the postage rates charged on newspapers and periodicals by European countries.

Yours, very truly,

FRANK H. HITCHCOCK,  
Postmaster General.

HON. BOIES PENROSE,  
Chairman Committee on Post Offices  
and Post Roads, United States Senate.

#### Postage rate, in cents per pound, on newspapers and periodicals in European countries.

Great Britain (one forty-first of the area of the United States), 1 cent a copy for local delivery, but for general distribution by parcels post in quantities, 6 cents for the first pound and 2 cents for each additional pound up to 11 pounds.	
Germany (one-seventeenth of the area of the United States).....	4½
France (one-seventeenth of the area of the United States).....	4
Italy (one thirty-third of the area of the United States):	
Daily newspapers.....	1½
Other publications.....	2
Holland (one two-hundred-and-eighty-fourth of the area of the United States).....	1½
Belgium (one three-hundred-and-eighteenth of the area of the United States).....	1½

Under the provisions of the International Postal Convention, newspapers and periodicals are mailed by all the signatory parties at the uniform rate of 1 cent for each 2 ounces or fraction thereof—practically, 8 cents per pound.

OFFICE OF THE POSTMASTER GENERAL,  
Washington, D. C., February 15, 1911.

MY DEAR SENATOR: On February 13, 1911, Everybody's Magazine published in the local newspapers a full page advertisement attacking the proposed increase in second-class postage carried by the postal bill now pending in the Senate. In their statement the publishers claimed to have a circulation of 650,000 copies per issue and asserted that "the postal measure now before Congress increases the cost of handling Everybody's Magazine \$150,000 a year." They further stated that in view of the fact that the magazine makes "each year for its stockholders about \$100,000," the proposed increase would "actually exclude the magazine from the mails."

The department's figures for the calendar year 1910 show that Everybody's Magazine mailed at the New York City post office 2,898,372 pounds of its issues as second-class matter, on which the postage at the cent-a-pound rate was \$28,983.72. As an average of one-half of the pages is devoted to advertising, the proposed increase of 3 cents per pound on such matter would make the additional postage \$43,475.58 per annum instead of \$150,000, as stated by the publishers of the magazine.

Based on the publishers' statement of 650,000 circulation, the gross income of Everybody's would be about \$1,550,000 annually, divided as follows:

200,000 subscriptions, at \$1 (net).....	\$200,000
450,000 news-stand sales, at \$1 (net).....	450,000
150 pages of advertising per month, at \$500 per page.....	900,000

Grand total.....1,550,000

Since the publishers state that the magazine makes each year for its stockholders only about \$100,000, the approximate cost of publication reaches the surprisingly high figure of \$1,450,000. Using their own statement showing a circulation of 650,000, it appears that Everybody's issues 7,800,000 single copies annually. If their total net profits are only \$100,000, it is evident that it must cost the publishers approximately 19 cents to place a copy of the magazine in the hands of a reader who can secure it on the news stand for 15 cents.

Before your committee reported the bill providing for the increased rate on second-class matter, the publishers of Everybody's Magazine announced that on and after March 6, 1911, their rates for ordinary advertising would be advanced from \$500 to \$600 a page. On the extremely conservative estimate that the magazine carries a monthly average of 150 advertising pages, this advance will produce an additional income of \$180,000 per annum. As the proposed increase of postage during a like period will amount to approximately \$43,500, it is evident that out of the increase of revenue alone the magazine will be able to pay the additional postage and still retain a considerable surplus for its stockholders.

Yours, very truly,

FRANK H. HITCHCOCK,  
Postmaster General.

HON. BOIES PENROSE,  
Chairman Committee on Post Offices and Post Roads,  
United States Senate.

#### HOUSE BILL REFERRED.

H. R. 32216. An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes, was read twice by its title and referred to the Committee on Finance.

#### MOBILE RIVER BRIDGE.

Mr. BANKHEAD. Mr. President, I move to reconsider the votes by which the bill (H. R. 31538) to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala., was read the third time and passed.

In explanation of that motion, I desire to say that since the passage of this bill through the Senate authorizing the construction of a railroad bridge it has been discovered that the bill authorized the construction of that bridge across the main ship channel between Mobile and Fort Morgan, and it is desired that the votes by which the bill was ordered to a third reading and passed shall be reconsidered in order that the bill may be amended.

I will state further that the bill has been returned to the other House; and if my motion for a reconsideration prevails, I shall ask that the bill be returned to the Senate in order that it may be amended.

Mr. BURTON. Mr. President, as I understand, it is not the aim of the Senator from Alabama to defeat the bill.

Mr. BANKHEAD. Oh, no.

Mr. BURTON. But that a reservation is required in the bill to make it conform to the local situation.

Mr. BANKHEAD. That is true.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Alabama to reconsider the votes by which the bill named by him was read the third time and passed.

The motion to reconsider was agreed to.

Mr. BANKHEAD. I now move that the House of Representatives be requested to return the bill to the Senate. The motion was agreed to.

#### SENATOR FROM ILLINOIS.

Mr. BRANDEGEE obtained the floor.

Mr. BEVERIDGE. Mr. President—

Mr. BRANDEGEE. I yield to the Senator from Indiana for the purpose of giving a notice.

Mr. BEVERIDGE. I also desire to offer a resolution and ask a unanimous consent.

Mr. BRANDEGEE. I yield for that purpose.

Mr. BEVERIDGE. I offer the resolution which I send to the desk, which I have heretofore submitted, and I ask that it may lie on the table as a privileged resolution subject to call. I ask unanimous consent that on Tuesday next, before adjournment, this resolution shall be voted on.

Mr. GALLINGER. Let the resolution be read.

The PRESIDENT pro tempore. The resolution will be read. The Secretary read Senate resolution 315, as follows:

Resolved, That WILLIAM LORIMER was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Illinois.

The PRESIDENT pro tempore. What is the request of the Senator from Indiana?

Mr. BEVERIDGE. I ask unanimous consent that on Tuesday next, before adjournment on that legislative day, the resolution shall be voted on.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent that before adjournment on Tuesday next the resolution shall be voted on. Is there objection?

Mr. BURROWS. That the resolution be voted on?

The PRESIDENT pro tempore. That is the request.

Mr. BURROWS. Let the resolution be again read, Mr. President.

The PRESIDENT pro tempore. The Secretary will again read the resolution.

The Secretary again read the resolution.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Indiana?

Mr. BURROWS. I object.

Mr. BEVERIDGE. It is perfectly apparent that, in view of the legislative situation, either a unanimous-consent agreement must be made or else notice must be given that on a certain day a subject will be pressed. Therefore, since the Senator from Michigan again objects to fixing a day to vote on and dispose of this matter, I give notice that on Tuesday next, immediately after the morning business, I shall submit some observations upon the matter; that I shall press the matter, and shall ask the Senate to vote upon this resolution and to dispose of this case on that day.

Mr. BURROWS. Mr. President, I understand from the statement of the Senator from Indiana, that he has given notice that on Tuesday next he will address the Senate on this question and that at the same time he will press for unanimous consent that a vote shall be taken—I suppose at the close of his speech.

Mr. BEVERIDGE. I did not, Mr. President, give notice even that I would speak until I had first asked unanimous consent for a vote, and that was objected to. That ended that phase of it. Therefore, in view of the fact that the Senator would not consent to a vote, I took the only other course left by the custom and practice of the Senate, and gave notice that I would submit observations and would ask the Senate to dispose of the matter on that day.

Mr. BURROWS. I would say to the Senator there may be others who will desire to say something in regard to the matter.

Mr. BEVERIDGE. Very well. Every one should speak who wants to and, of course, will do so. But—

The PRESIDENT pro tempore. The Senator from Connecticut [Mr. BRANDEGEE] has the floor.

Mr. BEVERIDGE. I call attention to the fact that the debate has lasted now longer than any similar debate in the history of the Senate. I may be wrong about that, but I think it is the case.

#### CONSERVATION OF NAVIGABLE RIVERS.

Mr. BRANDEGEE. Mr. President, I ask that House bill 11798 be now laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill referred to by the Senator from Connecticut, the title of which will be stated by the Secretary.

The SECRETARY. A bill (H. R. 11798) to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Missouri [Mr. STONE].

Mr. BRANDEGEE. Mr. President, I rise to a parliamentary inquiry. How many amendments have been offered and are now pending to the bill?

The PRESIDENT pro tempore. The Chair is informed that notice has been given of one amendment, and that there is one pending.

Mr. BRANDEGEE. What is the one that is pending and which has not yet been formally offered?

The PRESIDENT pro tempore. The Secretary will state the pending amendment.

The SECRETARY. The pending amendment is that offered by Mr. STONE on June 25, 1910.

Mr. STONE. Mr. President, after consulting with several Senators who are interested, as I am, in the subject matter of that amendment, I have concluded not to press it but to withdraw it. We will undertake to accomplish the end we have in view in another way.

The PRESIDENT pro tempore. The amendment is withdrawn.

Mr. BRANDEGEE. Mr. President, I appreciate the action of the Senator from Missouri [Mr. STONE]. I am very greatly obliged to him. The Senator from Missouri having withdrawn his amendment, may I inquire what now is the pending amendment?

The PRESIDENT pro tempore. The Chair is informed that there is now no amendment pending to the bill.

Mr. BRANDEGEE. Very well. Then, Mr. President, I am prepared to proceed with the bill.

Mr. NEWLANDS. Mr. President—

Mr. BRANDEGEE. I yield to the Senator from Nevada.

Mr. NEWLANDS. I believe there is an amendment pending which was prepared by myself.

Mr. BRANDEGEE. My recollection is that the Senator had an amendment printed and that it was ordered to lie upon the table, but I did not know that he had formally offered it.

Mr. NEWLANDS. I do not recall as to that. I will, however, bring the matter up later.

Mr. BRANDEGEE. I simply venture to express the opinion, Mr. President, that after the conference which the Senator from Nevada held with the committee the other day he will be glad to emulate the good example set by the Senator from Missouri [Mr. STONE] and withdraw his amendment, at least for the present.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. BRANDEGEE. Mr. President, I have been informed that there are some Senators who wish to address themselves to the question; but before yielding the floor for that purpose I simply desire to state to the Senate, or recall to their recollection, that this bill was on the calendar for many days at the last session of Congress, or, to speak more accurately, I should say that Senate bill 4501, which was a duplicate of the bill now under consideration, was on the calendar and was debated at length in the Senate. If Senators care to refresh their recollection about the debate or in reference to the report of the committee, they will find it on page 8803 of the RECORD, under date of June 23, 1910.

While the Senate was considering the Senate bill on this subject the House took action upon the bill which is at present under consideration and passed it. Thereupon the Senate substituted the House bill for Senate bill 4501. Then unanimous consent was obtained to consider the House bill on this day. The House bill, as I understand, Mr. President, although it is almost exactly a duplicate of the Senate bill, has not yet been read to the Senate. I ask if I am correct in that assumption.

The PRESIDENT pro tempore. The Chair is informed that the House bill has never been read in full to the Senate.

Mr. BRANDEGEE. Then I ask that the House bill be read at this time.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill, as follows:

*Be it enacted, etc.,* That the consent of the Congress of the United States is hereby given to each of the several States of the Union to enter into any agreement or compact, not in conflict with any law of the United States, with any other State or States for the purpose of conserving the forests and the water supply of the States entering into such agreement or compact.

SEC. 2. That the sum of \$200,000 is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, to enable the Secretary of Agriculture to cooperate with any State or group of States, when requested to do so, in the protection from fire of the forested watersheds of navigable streams; and the Secretary of Agriculture is hereby authorized, and on such conditions as he deems wise, to stipulate and agree with any State or group of States to cooperate in the organization and maintenance of a system of fire protection on any private or State forest lands within such State or States and situated upon the watershed of a navigable river: *Provided*, That no such stipulation or agreement shall be made with any State which has not provided by law for a system of forest-fire protection: *Provided further*, That in no case shall the amount expended in any State exceed in any fiscal year the amount appropriated by that State for the same purpose during the same fiscal year.

SEC. 3. That there is hereby appropriated, for the fiscal year ending June 30, 1910, the sum of \$1,000,000, and for each fiscal year thereafter a sum not to exceed \$2,000,000 for use in the examination, survey, and acquisition of lands located on the headwaters of navigable streams or those which are being or which may be developed for navigable purposes: *Provided*, That the provisions of this section shall expire by limitation on the 30th day of June, 1915.

SEC. 4. That a commission, to be known as the National Forest Reservation Commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to consider and pass upon such lands as may be recommended for purchase as provided in section 6 of this act, and to fix the price or prices at which such lands may be purchased, and no purchases shall be made of any lands until such lands have been duly approved for purchase by said commission: *Provided*, That the members of the commission herein created shall serve as such

only during their incumbency in their respective official positions, and any vacancy on the commission shall be filled in the manner as the original appointment.

SEC. 5. That the commission hereby appointed shall, through its president, annually report to Congress, not later than the first Monday in December, the operations and expenditures of the commission, in detail, during the preceding fiscal year.

SEC. 6. That the Secretary of Agriculture is hereby authorized and directed to examine, locate, and recommend for purchase such lands as in his judgment may be necessary to the regulation of the flow of navigable streams, and to report to the National Forest Reservation Commission the results of such examinations: *Provided*, That before any lands are purchased by the National Forest Reservation Commission said lands shall be examined by the Geological Survey and a report made to the Secretary of Agriculture, showing that the control of such lands will promote or protect the navigation of streams on whose watersheds they lie.

SEC. 7. That the Secretary of Agriculture is hereby authorized to purchase, in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said commission: *Provided*, That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams.

SEC. 8. That the Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands to be acquired under this act, but no payment shall be made for any such lands until the title shall be satisfactory to the Attorney General and shall be vested in the United States.

SEC. 9. That such acquisition may in any case be conditioned upon the exception and reservation to the owner from whom title passes to the United States of the minerals and of the merchantable timber, or either or any part of them, within or upon such lands at the date of the conveyance, but in every case such exception and reservation and the time within which such timber shall be removed and the rules and regulations under which the cutting and removal of such timber and the mining and removal of such minerals shall be done shall be expressed in the written instrument of conveyance, and thereafter the mining, cutting, and removal of the minerals and timber so excepted and reserved shall be done only under and in obedience to the rules and regulations so expressed.

SEC. 10. That inasmuch as small areas of land chiefly valuable for agriculture may of necessity or by inadvertence be included in tracts acquired under this act, the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain the location and extent of such areas as in his opinion may be occupied for agricultural purposes without injury to the forests or to stream flow and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and offer them for sale as homesteads at their true value, to be fixed by him, to actual settlers, in tracts not exceeding 80 acres in area, under such joint rules and regulations as the Secretary of Agriculture and the Secretary of the Interior may prescribe; and in case of such sale the jurisdiction over the lands sold shall, ipso facto, revert to the State in which the lands sold lie. And no right, title, interest, or claim in or to any lands acquired under this act, or the waters thereon, or the products, resources, or use thereof after such lands shall have been so acquired, shall be initiated or perfected, except as in this section provided.

SEC. 11. That, subject to the provisions of the last preceding section, the lands acquired under this act shall be permanently reserved, held, and administered as national forest lands under the provisions of section 24 of the act approved March 3, 1891 (vol. 26, Stat. L., p. 1103), and acts supplemental to and amendatory thereof. And the Secretary of Agriculture may from time to time divide the lands acquired under this act into such specific national forests and so designate the same as he may deem best for administrative purposes.

SEC. 12. That the jurisdiction, both civil and criminal, over persons upon the lands acquired under this act shall not be affected or changed by their permanent reservation and administration as national forest lands, except so far as the punishment of offenses against the United States is concerned, the intent and meaning of this section being that the State wherein such land is situated shall not, by reason of such reservation and administration, lose its jurisdiction nor the inhabitants thereof their rights and privileges as citizens or be absorbed from their duties as citizens of the State.

SEC. 13. That 5 per cent of all moneys received during any fiscal year from each national forest into which the lands acquired under this act may from time to time be divided shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such national forest is situated, to be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situated: *Provided*, That when any national forest is in more than one State or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein: *Provided further*, That there shall not be paid to any State for any county an amount equal to more than 40 per cent of the total income of such county from all other sources.

SEC. 14. That a sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of \$25,000, is hereby appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available, and shall be paid out on the audit and order of the president of the said commission, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of said commission.

Mr. BRANDEGEE. I desire to call attention to the fact that on page 2 of the bill, line 18, the language is:

That there is hereby appropriated for the fiscal year ending June 30, 1910, the sum of \$1,000,000—

And for each year after that for five years the sum of \$2,000,000.

At the time this bill passed the House, June 30, 1910, had not arrived. The friends of this measure, however, prefer not to have that changed. It can not be done without amendment, and it is perfectly evident that an amendment to this bill at this period of the session and with the situation in which both

branches find themselves would be equivalent to killing the bill. The friends of the bill would therefore prefer to lose the \$1,000,000 than to have that typographical error corrected. It does not affect the rest of the appropriation in any way whatever.

Mr. President, this matter was debated at great length at the last session in a debate continuing over three days, as I recall it. The bill before the Senate is almost precisely the same as the one upon which the debate took place. No new argument has been suggested to me why this legislation should not be enacted. No information has been suggested which in any way modifies the opinion of anybody who intended to support this bill at the last session. On the contrary, since that time a paper has been issued entitled "Professional Paper No. 72, Department of the Interior, United States Geological Survey, in relation to the effect of the denudation and erosion in the Southern Appalachian regions and the Monongahela Basin," by Mr. Leonidas Chalmers Glenn. It is a volume of about 136 pages. I have examined it somewhat, and in that volume the destructive effect of cutting the forests away from the hills at the sources of navigable streams is absolutely demonstrated, to my mind. I will simply read one short sentence. He says:

There is abundant evidence on rivers such as the Tennessee of increased silt in the navigable portions of streams because of the increased erosion resulting from deforestation.

And in many parts of the volume he gives specific instances.

Mr. President, I think no man who has not already come to an opinion to which he is wedded can fail to be convinced by the facts ascertained in that volume after the most careful examination on the ground—an examination which extended into all possible sources of information.

It seems to me that this legislation will cause a great saving to this Government. Whatever anybody may believe about the effect of a forest upon rainfall, it does not seem to me that any intelligent person can fail to acknowledge that it has a very controlling influence upon stream flow.

There was handed to me this morning by a gentleman who is much interested in this subject and who holds many responsible positions in various associations—the National Board of Trade and the National Irrigation Association—a few extracts from a bulletin which has not yet been issued by the Department of Agriculture, but is shortly to be issued, and it will be Bulletin No. 71 of the Bureau of Soils of the Department of Agriculture. I desire to make, with the consent of the author, Dr. McGee, one or two quotations from that bulletin. It states:

Meantime unnoticed changes in the natural balance were advancing cumulatively, especially in the long-settled districts; and as the heavily wooded and more rolling lands were cleared the disturbance became more and more manifest—and this in several ways:

(1) With ordinary plowing and common crops the natural mulch soon disappeared and the humus diminished, so that the soil grew harder and poorer; and when storms came there was more surface run-off and less water soaked into the topsoil and on into the subsoil below.

(2) With crops covering the surface imperfectly and for but part of the year the soil was subjected to evaporation directly rather than through the growing plants, and some of the soil fluid, the very life-blood of the farm, was sacrificed.

(3) When the meager and temporary cover of common crop plants replaced a luxuriant and perennial forest cover, the unbroken raindrops smashed the soil into slime at the surface and tamped down the earth beneath; and as the natural sponginess diminished, more water ran off the surface bearing a burden of sand and silt, whereby it was enabled to corrode rills, quickly widening into gullies.

(4) When snows came, they lay on bare surface (despite the slow bottom melting which normally absorbs snow sheets on ground to which they are naturally adjusted) until thawed by warm winds or rains, when the thaw water went off in destructive freshets instead.

With the increase of run-off and fly-off, less of the water furnished by rains and snows sank into the soil, the natural drainage and sewerage effected by the ground water was impaired, and the accumulated reservoir of ground water was progressively reduced.

The general result of these specific tendencies is well known. Most pioneer homesteads were located by springs, of which by far the greater part have failed; in the next generation the households were supplied by shallow wells, of which most have gone dry unless greatly deepened; well-remembered trout brooks have ceased to exist, while many tamarack swamps and hundreds of prairie sloughs have shrunk or disappeared; numberless bosky dells and shady reaches of clear river are gone, leaving in their stead fresher-swept gorges, running dry in summer; in certain districts the old fields are gullied, and even the new-cleared patches wash quickly, and often the soil soon turns hard and lumpy.

Mr. President, if those are the facts as to the effect of deforestation; if mills are being abandoned that formerly had plenty of water from the streams in the Appalachian Range, as this bulletin, Professional Paper No. 72, states (and it gives the names of the mills and the rivers upon which they are located); if silt does wash down from these deforested mountains and fill the channels of rivers upon which the Government has to spend enormous sums of money to dredge them out again at great expense; if deforestation does produce floods and freshets and washouts, I do not see why it is not the duty of the

Government, having the constitutional power, to direct its energies to preventing that great damage.

I do not intend to go through this bill and explain every line of it. A mere casual reading of the bill is enough to inform any intelligent person what it is intended to do. There is nothing intricate about it. It seems to me to be a bill which is workable and which, if enacted into law, in the future does not accomplish exactly what we intended that it should, it is always competent for us to amend it in any respect.

The Senator from Nevada [Mr. NEWLANDS] objected at the last session to this bill simply because it did not go far enough. His idea was more comprehensive than is provided for in the bill. He wanted to conserve other things besides navigable rivers. Whatever merit there may be in his suggestion, and I think there is a good deal, and I think I should be glad to help him in drawing up some proper measure based upon his ideas in that respect as an independent measure, I hope he will not present his enlarged bill, which the country has not yet been educated up to and back of which public sentiment has not crystallized, as an amendment to the pending bill.

As I said, if there are any defects in the bill, they can be cured after this commission is established. If the commission is established and it does well and produces benefit to the country, there exists a framework for any such enlargement, either of membership or of functions and duties, as from time to time the Congress may deem best.

No land can be purchased under this bill except upon the distinct finding of fact by the Geological Survey and the Secretary of Agriculture that it does promote the navigability of a navigable stream. Upon those findings of fact being submitted to the commission, the Secretary of War, who may have the benefit of all the expert Army engineers in his department, the Secretary of the Interior, the Secretary of Agriculture, two Members of this body, and two Members of the House of Representatives, then they recommend the purchase and purchase for such price as they can.

Mr. JONES. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Washington?

Mr. BRANDEGEE. I yield to the Senator.

Mr. JONES. I should like to ask the Senator how, under this bill, the Secretary of War will have the judgment and the opinion of the engineers of the War Department.

Mr. BRANDEGEE. I say the Secretary of War, of course, can at any time call upon his own engineers and get their opinion, or the commission can employ any other agents or skilled engineers to advise them about the feasibility of improving any particular river.

Mr. JONES. Can the Secretary of War call upon the engineers to investigate this matter without authority being given to him to do it under this bill or some other law? The bill simply provides that the Secretary of Agriculture and the Geological Survey shall examine and report on these lands.

Mr. BRANDEGEE. I did not mean to be understood as saying that the Secretary of War could divert the Army engineers from their legitimate employment upon one subject and send them to make an examination of this matter. I suppose they would intrust it to civilians to determine the facts on the ground in each case, and I assume that, without any violence being done to the proprieties of the service, the Secretary of War may talk with his Army engineers about any subject he has in mind.

Mr. JONES. I do not see how under the bill anybody is authorized to examine and determine the navigability of these streams except the Geological Survey and the Secretary of Agriculture. It does not authorize the expenditure of any money for any other body of people to make the examination.

Mr. BRANDEGEE. I do not think the Senator understands my position, and I do not think, if he will pardon me, that he takes a correct view of the terms of the bill.

Mr. JONES. I am just trying to find out, because I want to support the measure, and I will support it.

Mr. BRANDEGEE. I know the Senator is friendly to it, and I am trying to state my attitude about it. The bill provides that no lands shall be purchased until the Geological Survey and the Secretary of Agriculture shall find that they are necessary to the protection of a navigable river.

That is an inhibition against purchasing; it is not the authority to purchase. Even if they do find under the bill that in their opinion lands are necessary for this purpose the commission is not obliged to purchase at all even then. It can send as many other experts there to furnish information as it has a mind to, as long as it is in doubt. Does that answer the Senator's question?

Mr. JONES. Under what provision of the bill have they authority to send other officials to make an examination and report on the lands as to their effect upon navigability when we specifically direct and authorize that this examination shall be made by the Geological Survey?

Mr. BRANDEGEE. I say the Senator is mistaken, if he will pardon me, about that. It does not specifically authorize that the examination must be made; it prohibits a purchase unless the examination has been made.

The Senator asks me in addition under what authority in the bill the commission would have authority to send anybody else or to employ experts. Under that authority which appropriates \$2,000,000 a year for the next five years for the examination and acquisition of such lands as they find will promote the navigability of navigable streams.

Mr. JONES. Does the Senator believe, however, as a matter of practical application under this act, that any examination will be made as to that matter except by the Geological Survey?

Mr. BRANDEGEE. I do.

Mr. JONES. I doubt it very much.

Mr. BRANDEGEE. Of course, that is a question of opinion. I believe that the Secretaries of the Interior, of War, and of Agriculture, seeing this great responsibility placed upon them and being in touch with the two Senators and two Representatives, who are also their colleagues on the commission, in view of the very doubts raised in this debate, will be extremely cautious about wasting any of the public money unless it is well expended and unless the facts are well ascertained.

I will say to the Senator frankly that my apprehension about this bill and its effect is that they will not find enough streams of sufficient importance where they can, under the finding of facts as required by the bill, avail themselves of the full terms and the full amount appropriated. But however that may be, one Senator's guess about how an official will act in the future under an unknown set of circumstances I think is practically as good as another's.

Mr. NEWLANDS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Nevada?

Mr. BRANDEGEE. Certainly.

Mr. NEWLANDS. If the Senator will permit me, I suggest the very fact that the bill brings the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture into cooperation upon this board seems to me to indicate the purpose of the bill to utilize the various scientific services belonging to these various departments in the forming of plans with reference to the acquisition of this property. It is true the examination is made by the Geological Survey, and so forth, but it seems to me the very fact that these officials are brought into coordination means that the bill intends that they should utilize all the information and knowledge in their various departments upon this subject.

Mr. BRANDEGEE. I think the Senator is perfectly right.

Mr. JONES. Would the Senator, then, have any objection to a specific direction similar to that given to the Geological Survey that the Army engineers shall cooperate with them? The Army engineers have been the force that has had to do with the navigation of streams for a great many years. The Geological Service is entirely new to it. It seems to me that the logical and proper thing to do would be to have that body of men who have had to investigate and report upon navigation specifically directed to do it in connection with the Geological Survey.

Mr. BRANDEGEE. If I were drawing this bill, I would change it in several particulars, but I do not think they would be very important. I think, like all human products, it could probably be improved. I would have no objection whatever to specifically requiring that a commission of Army engineers should be appointed by the Secretary of War and that a favorable report should be a condition precedent to the expenditure of a dollar of this fund. I would be perfectly willing for that, but it would kill the bill.

This is a practical question at the present time. Every Senator can see the effect of putting the bill into a conference between the two Houses at this stage of the session, with the number of other embarrassing and important matters pending. The Senate has passed a similar bill four or five times, sometimes by unanimous consent, the sentiment was so strong in favor of it. The House has never been able to make any progress with it until the last session, when it was passed, as the RECORD will show, by a slim majority—I think about 30 majority.

Whether the sentiment in the House has changed now or not I do not know, but as a friend of this measure and as an advocate of it of years standing, ever since I have been in the Senate, I would dislike, because some one provision may, in the

opinion of a Senator, or even of a majority of the Senate, tend to suit their individual ideas a little better, to take any such awful chance as that.

This bill is no product of mine. I am not the author of it. I am simply an advocate of it because I think it is the best that can be obtained at present. I realize that all legislation is a matter of compromise, and I am trying to get something that we can all agree upon. I am willing to sacrifice a good many of my notions about this particular bill, because if we get the bill through we can always amend it and correct any defects that may occur in the practical application of its provisions.

If any Senator thinks it is worth while, in order to make some addition to it that he would put in if he was drawing it, to imperil the passage of anything of this nature he must take the responsibility of it. I am not asking anybody to vote for the bill if he thinks it is a bad bill, and I do not want to be put in the position of saying to Senators that they can not offer amendments, or to issue anything in the line of a notice to the Senate that the proposed legislation must be passed just as it comes from the committee, without the dotting of an "i" or the crossing of a "t." I simply put Senators on notice that that, in my opinion, is the situation at the present time, and it is a matter of their opinion about the chances of getting anything if they do tamper with the bill.

Mr. JONES. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Washington?

Mr. BRANDEGEE. I yield.

Mr. JONES. Of course, I know the Senator does not intend to give the impression that an attempt will be made to offer amendments for the purpose of killing the bill, but I do not want anybody to have an impression of that kind, as far as I am concerned.

Mr. BRANDEGEE. Not for the purpose of killing it, but with that probable effect.

Mr. JONES. Yet this is a very important measure. The bill itself appropriates \$10,000,000 or \$11,000,000. It seems to me it puts the Senate in a peculiar position to say that upon an important measure of this kind, simply out of a little danger, possibly, of some other House in agreeing to an amendment, we should not offer any amendment but take it simply as it is. I recognize the situation the Senator suggests, yet it does not seem to me it should cut out all amendments that go to the safeguarding and proper expenditure of this large sum of money.

Mr. BRANDEGEE. If the majority of the Senate take the view the Senator does, it is within their power to take the chances and amend it. All I intend to do is to issue the warning, which I have done. I think the danger of amendment is serious enough, so that I, who would like to have more money appropriated, am willing to lose a million dollars of the appropriation of the bill rather than take the chances of an amendment. The Senator can see from that how serious I think the danger is. But I do not pretend to be any better judge of the situation than the Senator. It is apparent to every Senator, I think.

Mr. President, I do not care to consume the time of the Senate on this matter in attempting to make any speech or in an attempt to review the vast mass of statistical information which has accumulated in the committee I have had the honor to be a member of during the five years I have been upon the committee. I want to get the bill acted upon. There are other Senators who do want to speak. The Senator from Ohio [Mr. BURTON] has tried for several days to deliver his remarks and express his views upon the bill, but situations arose he thought it was wise to placate, and he has yielded from time to time. The time that he intended to consume was consumed by other Senators upon other important questions, and I have said to the Senator from Ohio that as far as I could control the situation he should have ample time to-day to express his views at any length he required. If during the debate I can furnish any other information or answer any questions, if I have the knowledge, of course, I shall be happy to do it. I shall be here on the floor.

That, Mr. President, is all I care to say at the present time.

Mr. BURTON. Mr. President, I am greatly obliged to the Senator from Connecticut [Mr. BRANDEGEE] for his courtesy. Occasionally measures are brought before the Senate which emphasize important facts and tendencies in the history of legislation. The bill now under consideration is a striking illustration of this. It shows how difficult it is to defeat any proposition which comes before us in a patriotic, a humanitarian, or an artistic guise. Given these arguments for any law or appropriation, selfish local and commercial influences will speedily

reenforce them. Each Senator and Representative will receive a mass of telegrams; commercial and civic organizations will pass resolutions; more rarely, but with some degree of frequency, State legislatures will instruct their Senators.

I am not here, Mr. President, to oppose the general idea of this measure, but what I do wish to bring prominently before the Senate is the fact that we are not merely approaching the danger line but pressing beyond it in undertaking such a policy as this, and that in yielding to it we are not giving to the appropriations of the Government that dispassionate and careful attention which they demand. Every tendency at the present time is toward extravagance. And before I get through I believe I can show to the Senate that this is one of the worst propositions, if not the worst, yet considered, not only in its tendency toward extravagance but also toward a dangerous enlargement of the scope of the activities of the Federal Government.

We should never forget, Mr. President, that this is a Government of the Constitution and of the law. We strain the Constitution occasionally. New situations and responsibilities change our interpretation of that great document; but, nevertheless, there is a point beyond which we can not go. The tendency to ignore the proper limits is more noticeable in appropriation bills than anywhere else. The old question used to be, "What is the Constitution between friends?" A newer and more serious question is, "What is the Constitution when any locality or person desires an appropriation?"

The sole constitutional warrant for this bill is the improvement of navigation, and, in my opinion, the assertion that this measure will result in improving navigation is a subterfuge and a pretext, not to say a sham.

The House Committee on the Judiciary in the year 1908 expressed the following opinion on the legal principle involved in this question:

The Federal Government has no power to acquire lands within a State solely for forest reserves; but under its constitutional power over navigation the Federal Government may appropriate for the purchase of lands and forest reserves in a State, provided it is made clearly to appear that such lands and forest reserves have a direct and substantial connection with the conservation and improvement of the navigability of a river actually navigable in whole or in part.

That is, it must not merely subserve navigation, but it must clearly appear that there is a direct and substantial connection between the forest reserve and the navigation of rivers. This opinion now receives universal acquiescence.

Let us trace the history of this proposed purchase of woodlands. To go no further back than 1901, the numerous arguments presented in its favor declared, not that it was for navigation; but for forestation, scenic beauty, and water power. So late as the year 1904 the Senator from New Hampshire [Mr. BURNHAM] made a report upon a then pending bill relating to the National White Mountain Forest Reserve. (Report No. 2742, 58th Cong., 3d sess.) In his summary on page 6 the Senator said:

The purposes and benefits of the reserve are: First, preservation of forests; second, preservation of water power; third, prevention of fires; fourth, forest industries in New Hampshire; fifth, income from reserve.

There is not a syllable in the whole report having any, even the remotest, bearing on the navigability of streams.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. Certainly.

Mr. GALLINGER. Mr. President, the Senator is right on that point. That report was made upon a bill which I introduced, and which at that time I believed to be entirely proper. I discovered that the Government had taken about \$400,000,000 worth of public lands which belonged to all of the States, and had made them into forest reserves in the western part of the country. It seemed to me if the Government could do that, depriving the several States of the proceeds of those lands had they been sold, that the Government might appropriate a small amount of money to establish forest reserves in the Appalachian and White Mountain regions. The House of Representatives, however, took a different view of that question, and I think it is now generally conceded that that was not a constitutional method. To meet the constitutional objection this bill has been drawn along different lines, but at the time that report was made some of us believed that it was a proper thing for the Government to do, in view of the fact, as I have already stated, that there had been taken from the public domain some \$400,000,000 worth of lands that belonged to the Nation at large and, instead of selling them and giving the several States the benefit of the large amount of money that would have been

secured, had simply made them into forest reserves in the western part of the country.

Mr. BURTON. The Senator from New Hampshire, then, admits that the real object of this bill is not to promote the navigability of streams.

Mr. GALLINGER. I do not admit anything of the kind. I admit that that was not taken into consideration when I introduced my bill in the Fifty-ninth Congress, but, on the contrary, in view of the decision of the other House and the opinion of Congress that the public money can not constitutionally be used for that purpose unless it be shown that it tends to the navigability of navigable streams, I believe that this bill has been constructed along such lines that it will precisely accomplish that result, notwithstanding the distinguished Senator from Ohio takes a different view.

Mr. BURTON. The Senator from New Hampshire at least admits that when this proposition was first presented to the Senate there was no thought of, and no provision for, the navigability of streams?

Mr. GALLINGER. I do admit that, Mr. President, and I admit it frankly, for the reason that, as I have already twice stated, I thought the Government, in view of the fact that it was diverting the public lands which belonged to all of the people of all the States into forest reserves, might well make a small appropriation for the establishment of forest reserves in the Appalachian and White Mountain regions; but that contention has been overturned by an opinion rendered in the House of Representatives by the Judiciary Committee, to which we all bow.

Mr. BURTON. The Senator from New Hampshire in his contentions in regard to forest reserves altogether overlooks the fundamental fact that there is a difference between forest property which is the domain of the Government and that which has passed into private hands. The older States have no right to complain of the reservation of forests in the newer States. They obtained their lands, whether under grant from the Government of the United States or from the king, in pursuance of a general policy that the lands were to be sold, not so much as a source of revenue as for the upbuilding of the country and for the benefit of the particular localities. In the course of time it developed that these forests were a valuable asset belonging to the Government. The forests were diminishing in area and the Government, exercising control over its own property, reserved them from sale; but this proposition of buying up woodlands is as different from that as is the rising sun from the setting sun. It proposes that the Government shall exceed its legitimate scope and enter into competition with private enterprise in the purchase of forested areas. One of the most dangerous propositions presented to us at the present time is the idea that whenever any particular branch of production or private enterprise does not succeed, the Government must step in, and either by direct control and appropriation from the National Treasury, or by subsidy, make profitable that which otherwise would not be profitable. A little further on I shall speak more at length of the bearing of that tendency on the pending bill.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. Certainly.

Mr. GALLINGER. I presume the Senator from Ohio will not concede that this bill will promote the navigability of navigable streams. Some of us take the opposite view. If the Senator should concede that, he will not lose sight of the fact that under his administration as chairman of the Committee on Rivers and Harbors in the House of Representatives millions upon millions of dollars have been expended by the Government for that very purpose upon the various rivers and streams of the country. So if the Senator would be willing to concede the premise, which some of us contend is sound, I do not think he would have any great difficulty in concluding that this appropriation might well be made.

Mr. BURTON. But it is unnecessary for me to state, Mr. President, that appropriations for rivers are in pursuance of the power of the Government to regulate and promote commerce. As regards the rivers that you will aid, or that you allege you will aid, I maintain, in the first place, it will not assist them appreciably; and, in the next place, the rivers themselves are not navigable in the ordinary sense of the word. But even more than that, I am opposed to subterfuge, to bringing in a bill here which has one object and placing it before the public under the name of another. Let us go directly to the point. If we are seeking to do anything, let us do it if we have the power; but let us not attempt to do something which we

have no direct authority to do. Let us not approach great national questions by devious ways.

Mr. GALLINGER. Mr. President, I do not know that I shall again interrupt the Senator, but I think the Senator ought to withdraw the term that he has just used that this bill is based upon "subterfuge." There are Senators here as honorable as the Senator himself, who do not feel that way. I take it that the House of Representatives did not feel that way when they passed the bill, and I think the Senator ought not to charge that we are undertaking by subterfuge to accomplish legislation in this body.

Mr. BURTON. Mr. President, the argument which I shall make will show whether this is a subterfuge or not. I do not wish to use any word that is objectionable, though I can not find any other phrase that to my mind properly describes this class of legislation.

Now, again on this subject a bill was introduced by Mr. Pritchard in this body in 1901 (Senate bill 5518), for the purchase of a national forest reserve in the Southern Appalachian Mountains. It contained not a word in regard to navigation.

Again, a bill was introduced by the Senator from North Carolina [Mr. OVERMAN] in 1905 (Senate bill 408), for the purchase of a national forest reserve in the Southern Appalachian Mountains, to be known as the National Appalachian Forest Reserve. Here again no mention whatever was made of navigation.

In a hearing before the Committee on Agriculture of the House of Representatives last year, the very excellent gentleman from Massachusetts, Mr. WEEKS, was asked in regard to this measure:

Is it not true—you have been very frank—that this navigation plea is simply a peg upon which it is sought to hang this measure because that is a function which it has been decided that Congress could exercise?

Mr. WEEKS. I will be equally frank in saying that that is the constitutional method of obtaining this legislation.

Perhaps it is unnecessary for me to proceed further along this line, but in the discussion on this bill last summer the objects of it were given in a report on page 9180 (CONGRESSIONAL RECORD, June 23, 1910), quoted by the Senator from Connecticut. First, as to the preservation of forests the report says:

Impelled by the desire for immediate returns from their investments and fearing that any moment their holdings may be seriously depleted by fire, it is natural that the owners of forest lands should have but little interest in future crops not to be harvested in their lifetimes. Operators of the larger paper, pulp, and lumber mills in New Hampshire have attempted to preserve the forests to some extent, but their efforts must proceed slowly. Hence the desirability of a reserve.

Mr. BRANDEGEE. Mr. President, what report is that?

Mr. BURTON. It is on page 9180 of the CONGRESSIONAL RECORD of the last session. It is presented as an argument in favor of the bill of the Senator from Connecticut.

Mr. BRANDEGEE. I think that was a report on a previous bill, if I remember correctly.

Mr. BURTON. Yes.

Mr. BRANDEGEE. Not on this bill.

Mr. BURTON. I am quoting it because it states the general objects of this measure.

Mr. BRANDEGEE. But it was a previous report made by a committee in a previous year on a different bill.

Mr. BURTON. Then, again it states—

The preservation of water power; the protection from fire of forest industries in New Hampshire.

Substantially the same language as in the report of the Senator from New Hampshire [Mr. BURNHAM].

Mr. BRANDEGEE. But, Mr. President, if the Senator will yield for a minute—

Mr. BURTON. Certainly.

Mr. BRANDEGEE. The Senator from Ohio would allow the inference to be drawn from his remarks that the Senate has never had any real idea of buying forest lands with a view of maintaining the navigability of navigable streams; but he will find in the RECORD in the debate last year that I called his attention to a report made by the Secretary of Agriculture to Congress in compliance with the directions of Congress to report to us, after an investigation, upon the effect of the forests of the Appalachian region upon the stream flow. That report was printed in the RECORD at length.

Mr. BURTON. That report was made in 1908—

Mr. BRANDEGEE. Yes.

Mr. BURTON. When this agitation for forest reserves had continued for a very long time. It was in pursuance of the agricultural appropriation bill approved March 4, 1907.

Mr. BRANDEGEE. But it is none the less an official report by the Secretary of Agriculture in response to a direct man-

date of Congress; and it shows that the subject of forests in connection with the preservation of navigable streams was always in the mind of Congress.

Mr. BURTON. Not always—not before March 4, 1907.

Mr. BRANDEGEE. After the decision of the House and after the time Congress requested and directed the Secretary to investigate and report, Congress certainly had it in its mind.

Mr. BURTON. I do not deny, Mr. President, that in this bill and in recent bills navigation is mentioned. But that mention was not made until these projects had been presented in many bills and after they had been agitated for years under other colors. In the original movement the idea of navigation was absolutely ignored.

Now, what are some of the streams that it is proposed to affect by this improvement? Up in New Hampshire the Winnepesaukee, the Pemigewasset. Mr. President, how absurd it is to talk about navigation there! Down in North Carolina the streams in that watershed include Ground Hog Creek and Crab Tree Creek.

But it is said that this bill will help the Merrimac, the Tennessee, and other rivers. Let us consider that question. The Merrimac is navigable for perhaps 21 miles from the sea. The depth of that portion of the river which is not influenced by rapids is determined almost exclusively by the flow of water from the ocean. There is an abundance of water in the Merrimac. It is not difficult to obtain a sufficient quantity of water, but the expense of improving it arises for the most part from the necessity for removing bars at the mouth. The same is true of the Saco, of the Androscoggin, and of every river in that neighborhood. Shortly, I will read more in detail the report of the engineers upon this subject.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. I will yield. I have no objection to yielding to the Senator from New Hampshire, except that there are others who desire to speak, and I had hoped to make my remarks rather brief. I will, however, yield this time and should be glad, so far as I am personally concerned, to yield further.

Mr. GALLINGER. I wish simply to remark that the Winnepesaukee and the Pemigewasset, to which the Senator alludes, unite and form the Merrimac.

Mr. BURTON. Yes.

Mr. GALLINGER. It is a matter of history that the Merrimac has not only been navigable within a few miles of the ocean, but a line of boats was on the Merrimac River from the city of Concord to the city of Boston, 75 miles. It is true that they are not now being run, because there are obstructions to navigation; but perhaps if we had been as diligent as some other sections of the country have been in taking millions of dollars out of the Public Treasury to improve that great river, we might have had much more navigation there than there is now; but we were modest and did not do it.

Mr. BURTON. How many years have elapsed since boats ran on that portion of the river?

Mr. GALLINGER. I think it was about half a century ago that the company running that line of boats abandoned them, but they did run a line of boats regularly from Concord to Boston, 75 miles, for a good many years.

Mr. BURTON. It is not merely the modesty of the Senator from New Hampshire and his predecessors that has prevented requests for appropriations, but the simple fact that that portion of the river has been absolutely abandoned as a navigable stream.

Mr. GALLINGER. But we might have made it very valuable if we had taken the money out of the Treasury for that purpose.

Mr. BURTON. Although the Senator from New Hampshire is better informed than I in regard to the rivers of New Hampshire, I can hardly agree with him.

On this subject, I want to read first from the testimony of leading authorities to show that even in streams of importance there is a very serious doubt whether navigation can be aided in any way by forest preservation. That engineer, that student of the subject, would be very bold should he say that, at this present stage of information and discussion of the subject, the reforestation of mountains and of hills at the headwaters of the rivers will increase stream flow.

On this subject I want to refer briefly, first to Prof. Willis Moore. Does reforestation increase stream flow, affect the depth of streams, or make the flow more uniform, so as to avoid floods? In his report to the Committee on Agriculture on "The influence of forests on climate and floods," Prof. Moore shows that, contrary to the general view, deforestation

has had little or no influence upon the navigability of streams. His view is that forests should be preserved for themselves alone; that is, for the lumber they afford, or not at all. Since forests have no effect on either climate or rainfall they can not rightfully be preserved on those grounds.

In answer to the statement that the desiccation of vast areas in Asia has been due to deforestation Prof. Moore quotes Mr. Ellsworth Huntington, who has explored the Lop Basin in Chinese Turkestan, as follows:

It has often been asserted that the destruction of forests has been the cause of the diminution of rainfall. In the Lop Basin the opposite appears to be the case; the supply of water has diminished, and therefore the forests have died. Rainfall unquestionably controls forestation, but neither in the Lop Basin nor in other parts of central and western Asia is there any good evidence that forests have an appreciable effect upon rainfall.

Mr. Ellsworth Huntington examined 17 streams on the south side of Lop Basin, and at the lower end of four he found old channels lined with dead trees, which seems to show that the forests stood long after the streams had receded, rather than causing the drought by their disappearance.

Prof. Abbe, also of the Weather Bureau, makes the following statement:

In this day and generation the idea that forests either increase or diminish the quantity of rain that falls from the clouds is not worthy to be entertained by rational, intelligent men.

The records of the Weather Bureau do not show that there has been any permanent decrease in the rainfall in any section of the country. A record of precipitation made at New Bedford by Mr. Samuel Rodman and son from 1814 to about 1909, a period of 95 years, sustains this view. If anything it shows a slight increase rather than a decrease of rainfall.

Prof. Moore says:

In New England, where deforestation began early in our history and has been extensive, the mean of the fluctuations in the rain curve is a steady rise since 1836 up to a few years ago, and in the Ohio Valley, where the forest area has been greatly diminished, there is no decrease of rainfall shown by the average of the fluctuations of the curve.

It is held by some that forests exercise a restraining influence on floods and a conserving influence on precipitation, even if they do not increase them. Prof. Moore holds the following view:

On the whole, it is probable that forests have little to do with the height of floods in main tributaries and principal streams, since they occur only as the result of extensive and heavy rains, after the ground is everywhere saturated, or when heavy, warm rains come on the top of deep snows.

According to Prof. Moore, the results of careful readings of river gauges for long periods of time in foreign countries show that forests do not have any appreciable effect. He states that in France daily measurements were made of two streams from November, 1850, to May, 1853. These streams were alike in all respects except that the first was only about one-third wooded, while the second was entirely covered with trees. But, notwithstanding this great difference in the extent of forests, their waters rose and fell at the same rate whether in rainy weather or in dry, in winter or in summer. A heavy rain in winter produced in both at the same time a heavy flood. Statistics collected in France since 1615 show that there has been a continual decrease of floods in spite of continuous deforestation. This entirely disproved the view that forests are necessary to prevent floods.

Mr. BRANDEGEE. If I understood the Senator correctly, Prof. Moore, himself, admits that his view is contrary to the general opinion upon this subject. I should like to ask the Senator if it is not combated by the majority of scientists upon the subject.

Mr. BURTON. I would not say by a majority. Presently I will read from the report of the Milan Congress upon that point. They met for the express purpose of discussing this and other allied questions affecting navigation.

Mr. NEWLANDS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Nevada?

Mr. BURTON. Yes.

Mr. NEWLANDS. If the Senator will permit me, I observe that most of the quotations the Senator has made thus far are to the effect that the destruction of forests does not result in diminished rainfall. I do not understand that it is contended by the friends of the acquisition of forests in aid of regulation of stream flow that the presence of the forest has any particular effect upon the rainfall. What they contend is that every natural obstruction to a rapid run-off of water flowing under the ordinary rainfall tends to that extent to regulate the flow of the stream.

Mr. BURTON. I have already read from some authorities touching on that point.

Mr. NEWLANDS. You can understand that if the surface of the Mississippi Valley, including the valleys of the source streams, were put in concrete, the water falling in that region would flow with such rapidity down toward New Orleans that it would entirely submerge that entire region. And every obstruction, natural or artificial, tends to diminish the flood flow; and hence it is contended that that obstruction should be interposed by the utmost utilization of the natural reservoirs, in the shape of the forests and farms, with their soil and their absorbent properties, and also by artificial reservoirs, so as to in this way regulate the flow of the streams and prevent, on the one hand, destructive floods, and on the other hand, paralyzing droughts.

Mr. BURTON. I will say to the Senator from Nevada that if he will review the arguments advanced in behalf of this project he will find two propositions maintained. First, that the forests do increase rainfall. On this the advocates are not so unanimous as on the second proposition, namely, that forests exercise a conservative influence in restraining floods; that in a forested country the run-off is more uniform the year around than it would be otherwise.

I fancy that my statement on that point agrees with the judgment of the Senator from Nevada.

Mr. Ernest Lauder, chief of the Hydrographic Bureau of the Austrian Government, recently prepared an exhaustive report on the floods of the Danube, covering a period of 800 years and 125 floods. He concludes that progressive deforestation has had no effect in increasing the frequency of floods or in augmenting their height. He found that the flood of 1899 was severest where it came from the heavily wooded districts.

Careful investigations to determine the relation of precipitation to run-off were made in the Ohio Basin, where deforestation has gone on as rapidly as anywhere else. Two 19-year periods were selected, the former going as far back as reliable statistics could be obtained. The following table shows the results:

Average stage of Ohio River at Cincinnati:	Feet.
1871 to 1889.....	17.3
1890 to 1908.....	17.5
Average precipitation in the Ohio watershed:	Inches.
1871 to 1889.....	41.3
1890 to 1908.....	41.8

These figures would seem to show that neither forestation nor deforestation has affected the rainfall, and the observations on the Danube indicate that the floods are not affected.

I wish now to read from the report of the Milan Navigation Congress. Many advocates of this bill have referred to the report of that congress, made in 1905, alleging that it had determined that a very considerable influence was exerted on stream flow by forestation. True, there were some who advocated that view very strongly, but the action of the congress, unfortunately, did not support it. In the printed report of the proceedings their conclusions are stated as follows:

The president declares the discussion ended on the second question, "Influence of the destruction of forest and of the drying up of marshes on the regimen and discharge of streams," and puts to the vote the conclusions agreed upon by the general reporter, Mr. Cipoletti, and Messrs. Keller, Lafosse, Marlot, Levy, and others:

"The congress recognizes that the influence of the drainage of marshes on the regimen of rivers may, as a rule, be nearly neglected, and, in the matter of the influence of the destruction of forests, limiting its conclusions to what may directly interest navigation, resolves:

"1. That States which have not yet done so, regulate, by clear and severe laws, the arrangements relative to the maintenance of existing forests, to the consolidating of mountain land, and to the rewooding of cleared surfaces, in order to avoid the damage done to navigable waterways by the materials carried into them.

"2. That the hydrologic studies necessary to determine the influence of woods on the regimen of navigable streams be developed systematically and the results made known by the greatest publicity."

The above shows that the congress of navigation merely agreed that the influence of woods on the regimen of navigable streams was still an unknown quantity, which does not admit of positive answer. Subsequent congresses were left to settle the question, awaiting better or more conclusive data. The congress did say that the effect from the drainage of marshes is negligible and imply the same with regard to the effect of forests on water flow, though admitting some effect of forests on the amount of dirt carried into streams at headwaters.

Mr. BRANDEGEE. Does not the Senator himself think that there is necessarily much less erosion and carrying down from mountain sides of disintegrated material and silt and soil where the forest is than where the forest has been removed and the sun bakes the soil and exposes it to the impact of the rain?

Mr. BURTON. I concede there is a very considerable difference in the matter of erosion, but that probably is the only difference. It, however, does not directly affect navigation on these streams. There is a certain quantity of silt carried clear down, but that is only a small portion of the silt that is actually accumulated in these streams.

Mr. BRANDEGEE. Is not that silt carried in the very worst place for the purpose of navigation, to wit, in the channel, where the current flows swiftly enough to carry it along—and then do we not have to eventually dredge out the channel at Government expense?

Mr. BURTON. It carries a certain amount of silt, but it is not of sufficient importance to justify us in establishing a policy of forestation.

Now, what were the reasons alleged in support of this measure? First, on the ground of scenic beauty, parks in New England and in North Carolina; second, reforestation; then water power; and last of all they fell back on navigation. The advocates of this measure are ready to concede that it does not affect the regimen of rivers, that it does not affect materially the amount of water in them, and that it does not affect precipitation so as to prevent floods; but they claim there is a certain amount of silt that is washed away from the mountain sides which goes into the streams. How much goes from these creeks at the very headwaters? How much is carried along? In some instances it must be carried 100 miles before it reaches anything that has the semblance of a navigable stream.

Mr. BRANDEGEE. If the friends of this bill were either ready to concede or did concede any such things as the Senator says we do, I would not have the audacity to ask for its passage. We have always utterly denied them and still do.

Mr. BURTON. I understood the argument of the Senator from Connecticut just now to be based for the most part on the amount of silt that goes into the streams.

Mr. BRANDEGEE. The argument of the Senator from Connecticut was simply to call attention to the fact that even if the Senator from Ohio did not concede the amount of water in the stream to be controlled by the forests, that he at least must concede the erosion question.

Mr. BURTON. I am inclined to think that if the Senator from Connecticut studies this question he will be ready to concede everything except the question of erosion. I do not wish in any way to criticize his judgment, but if we follow our expert advice on this subject we are compelled to fall back on that as the only method of connecting the subject of forestation with that of navigation.

Mr. BRANDEGEE. I do not think the expert advice on this question is confined to the Army engineers. Their duties naturally lead them into the harbors and the lower regions of the navigable streams, near the seacoast; and I think that the experts who have been to the tops of the mountains, where the Army engineers rarely get in their duties in relation to rivers and harbors, are much more reliable than the Army engineers on this subject.

Mr. BURTON. The Senator from Connecticut must not overlook the fact that the Army engineers have control of many streams that rise well up in the mountains, and that they have made a study of and are familiar with streams where there is a steep descent.

Mr. BRANDEGEE. They are engaged for the most part in dredging operations and in promoting channels for commerce. Their duties rarely take them to the sources of navigable rivers in the mountains.

Mr. BURTON. It is in part true, Mr. President, that their active efforts for the most part refer to the lower reaches of rivers, but in the course of their investigations they carefully examine the headwaters to learn the exact conditions there. They are men of general education on this subject, having devoted to it much time and study.

Prof. Glenn testified before the Committee on Agriculture that from 1790 to 1907 over \$8,000,000 had been spent on the Tennessee River. He then added:

Under present conditions there is no chance to permanently improve that navigable channel, because of the incessant inrush of sand and gravel.

Referring to this testimony, Capt. Johnston, of the Corps of Engineers, showed from the Government reports that from the beginning up to last year there was expended on the Tennessee River, for dredging made necessary by the washing in of silt, considerably less than \$1,000,000, and that the remainder of the total appropriations had been expended for locks, dams, canals, and the removal of rock ledges—work which was not made necessary by and had nothing to do with the silt from the watershed.

Now, what is the fact in regard to the silt that goes into these rivers? It is due to the cavings of banks at the sides of the stream. It may be true that great gorges and slides are visible on mountain sides which would not have been created if they had been covered with trees, but these are so remote from navigable streams that only a negligible portion of them ever

finds its way from mountain sides where navigation is manifestly impossible to the lower country where streams are of sufficient size and of such moderate descent as to make navigation possible. In fact, whatever detritus proceeds from the mountain sides would become so pulverized that it would be readily taken care of without serious injury in a navigable stream. The difficulty there is almost exclusively from the caving of banks, and that in the navigable portions or at no unusual distance therefrom. It has been estimated that it requires years for the silt which washes into a stream to be carried even 100 miles in the channel. That which is eroded in the headwaters, on the mountains and the high hills, is dissipated and scattered before it reaches the navigable portion, so that this contention of the advocates of this measure is altogether untenable.

I do not deny that if hundreds of thousands of tons of silt should come from the headwaters and go down through all these various streams, and over rapids and rocks, a certain quantity, perhaps several hundred tons, finally reaches the navigable channel. But this is not the source of those obstructions to navigation which make dredging necessary. So far as the erosion from headwaters is concerned, that would require no dredging.

I want to read somewhat at length from the opinions of our Army engineers, and others, as to the effect of this forestation upon rivers. Col. Bixby, the present honored Chief of Engineers, was asked this question:

If you had practically unlimited means at your disposal and were charged with the responsibility of protecting the navigation of the streams flowing out of the Appalachians or the White Mountains, what proportion, if any, of the sum at your disposal would you feel warranted in spending for the purpose of maintaining the mountainous watershed in forests?

And this was his answer:

I might put in 1 per cent, just to see what would happen; but I would not do it with any feeling that I would really get my money's worth back.

Col. Bixby does not refer to the rather meager funds now being appropriated for river and harbor purposes, but his remarks are predicated upon the hypothesis of unlimited funds—

Mr. BRANDEGEE. One per cent of an unlimited fund might be quite a fund itself.

Mr. BURTON. I do not think the Senator from Connecticut can help on his contention very much with that suggestion. There is no danger of the funds being so unlimited as to frighten us. The extravagance will be manifested in the forest reserves, not in the actual improvement of rivers and harbors.

The PRESIDING OFFICER. The Senator from Ohio will suspend while the Chair lays before the Senate the unfinished business, the hour of 2 o'clock having arrived. It will be stated.

The SECRETARY. A joint resolution (S. J. Res. 134) proposing an amendment to the Constitution, providing that Senators shall be elected by the people of the several States.

Mr. BORAH. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. If there is no objection such will be taken as the sense of the Senate. The chair hears no objection, and it is so ordered. The Senator from Ohio will proceed.

Mr. BURTON. In that connection Col. Bixby made reference to the Connecticut River in which it was asserted that in recent years there had been greater suddenness in the rise of water and greater height of floods. He stated on that point:

I should ascribe fully 95 per cent of it—

That is, the flood conditions—

to the improved farms and the improved drainage and ditches along the roadways, and the nice roadways that form great ditches to lead the water along and to the streets and sewers in the cities.

On this subject I will also read the views of Col. Taylor, the engineer in charge of the Connecticut River. In a letter dated July 26, 1910, he said:

As the question of deforestation had been brought prominently to the front, when I made my report on the preliminary examination, I took some pains to look into this question sufficiently to satisfy myself whether the deforestation had had any effect or not. The result of my investigation satisfied me completely that there has been no perceptible change in navigable conditions of the river so far as freshets or droughts are concerned in the last hundred years. Part of the data upon which my conclusions were based are given in the accompanying extract from my report of the preliminary examination.

He then refers to a report in 1878 which shows that the freshest of May, 1854, which occurred before this deforestation, was the highest known below Holyoke, and that the freshest of April, 1862, was the highest known on the Holyoke Dam or above Holyoke. He adds:

Whatever effects deforestation may have upon rivers in general, neither the floods nor the low waters of the Connecticut River can

have been affected by deforestation of the watershed of that river for the reason that to-day a considerably greater portion of the watershed of this stream is wooded than was the case 40 years ago.

In that connection he refers to the reports of the New Hampshire Forest Commission.

Mr. President, if there is any one river where deforestation would have an effect upon navigation, it must be the Connecticut River. It is easy to see that it would have no effect upon the Merrimac or the Saco, because these rivers are navigable only in the tidal portions. The engineer in charge of the Connecticut River reports that deforestation has had no appreciable effect upon the amount of water in that stream.

Now, just a word as to the Tennessee and the Cumberland Rivers. They are difficult to manage, but the difficulty lies not in the quantity of water but in the steep descent in the upper portions. The difficulty is not in the removal of the silt, which in the upper portions is a negligible factor, but in harnessing the swift currents and removing the rocks and other obstacles.

Col. Russell in speaking about the Ohio River says:

That the effect of deforestation in causing an increase in the frequency and intensity of floods has not been established, and as yet is indeterminate from the data at hand.

That if it be later established that deforestation increases flood frequency and intensity, the effect will be found to be small upon a waterway the size of the Ohio River.

That the increase in flood frequency and intensity discernible at the present time is due to the contraction of channel at certain places and the drainage of farm land and swamps.

It is maintained, and I understand will be set forth in the report of the flood commission from the city of Pittsburgh, that the floods there have increased in frequency; but the fact is that the channel has been narrowed for industrial purposes, and those who have examined the subject most thoroughly point to that as the real cause of the increase of floods at Pittsburgh, if, indeed, any increase is noticeable.

I want to read very briefly from the opinion of Gen. H. M. Chittenden, a very scientific man, who has examined this subject with the utmost care. He says:

The influence of forests upon stream flow is not what is generally believed. Forests do not diminish the height or frequency of great floods; there is satisfactory evidence that they increase them somewhat. Neither do they alleviate the low-water condition of great rivers; there is satisfactory evidence that they aggravate it somewhat. Forests are therefore of no real value in solving the problems of river control, and their increase or diminution will make no appreciable difference in the character or cost of works for protection against floods or the improvement of channels for navigation.

Mr. President, we should not make appropriations for objects which have but a remote connection with a proper function or duty of the Government. There are objects enough directly within the broad purview of the powers of the Nation and its Constitution to demand all the money that the Government should wring from the people in the form of taxation. Every time we appropriate money for something that has only an indirect effect upon navigation, disregarding the legal opinion that the effect must be direct, we are not merely straining the Constitution, but we are imposing taxation for a purpose for which we have no warrant or right to impose it.

Consider the precedent which is established here. There are at least two things much more clearly within the scope of our powers which, if we do this and are fair and logical, we ought to do right away. One is to consider this claim that silt in streams imposes the power and responsibility upon the Federal Government to provide against it, and revet the banks of every stream, navigable or nonnavigable, which in any part of its course flows through a navigable channel to the sea, and thereby prevent the caving in of dirt which will be carried down in the form of silt.

This is something that does affect navigation, not immediately but indirectly. The burden that would be imposed upon the Federal Treasury and the taxpayers of the country by such a policy of improvement as I have suggested almost passes conception.

Another thing that the Federal Government ought to do if this precedent is established, and it ought to do it right away, is to provide means for the prevention of floods. At certain seasons of the year we can hardly take up a newspaper without reading of the loss of life and of the mammoth destruction of property as a result of floods in the Ohio, the Mississippi, and various other streams of the country. Those floods have a direct influence upon navigation. If we are going to inaugurate this policy, why not protect these manifold interests by preventing floods and save the tremendous loss of property and the very pitiful loss of life which so frequently occurs? Why has this not been done before? Because it has been regarded as beyond the scope of the legitimate powers of the Federal Government and a matter to be left to the immediate localities involved.

I sincerely hope that the time will come when, by the combination of citizens and communities, of the States and of the Na-

tion, we shall take up some of these problems. But if you pass this bill you are selecting, as it were, from the bottom of the list, the proposition that has the least in its favor. In making appropriations of the Federal Government for scenic beauty, water power, and reforestation—

Mr. BRANDEGEE. Mr. President—

Mr. BURTON. You are turning aside from other projects which appeal far more to the general interests and welfare of the country.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Connecticut?

Mr. BURTON. I do.

Mr. BRANDEGEE. The very title of the pending measure is to enable any State or States to cooperate with other States for this very purpose, so that, if possible, the New England States can combine to protect the watershed of the White Mountains and the Southern States can combine to protect the Appalachian Range, assisted and cooperated with by the National Government. If anybody opposes the bill on the ground that it centralizes too much or asks too much of the National Government, it seems to me that he is wide of the mark. It will enable the States to do for themselves largely what the Government now does for them.

Mr. BURTON. So far, Mr. President, as the first two sections of the bill are concerned, I most cordially favor it. We have already created a Forest Service, and gone into the States to educate the people. We have thus far extended our relations with the States and taken up many things that naturally would belong to private or State initiative.

The Federal Government seeks to educate, and to point the way. For instance, the Department of Agriculture is in effect a great university for the education of the people. But that is widely different from entering the States and buying timber lands, making a great landlord of the Government in order to accomplish what can be properly worked out in some other way.

Mr. BRANDEGEE. Is not the Government a great landlord now in all its forest reservations in the West?

Mr. BURTON. It is a great landlord because it owns those lands by its right as a Nation, independent of any purchase.

Mr. BRANDEGEE. But it is a landlord just the same.

Mr. BURTON. Yes; but there is a difference between the landlord of its own domain where the responsibility is imposed upon it, I might say, by discovery and one where it assumes it by purchase. If you adopt the theory that the Federal Government should begin to buy land here and there, where are you going to stop? Suppose there are farmers in a certain State who crop their land too severely under the shortsighted policy which prevails in many places. If you accept this bill as a precedent, why not say that the Government shall buy those lands and let them lie fallow or improve them in some way until they are brought up to a proper condition for further cultivation? The precedent created by this bill would mean that. It would mean that wherever the State or the individuals in a State fail to do what is best for themselves and evade their responsibilities, the great power of the central Government shall step in and help them out and do for those who are negligent that which they have not the will or the intelligence to do for themselves.

I concede that there are some cases where this is an interstate problem, but our Constitution allows concurrence between States in just such a situation as this.

Just here I want to point out what would be the result of the passage of this measure. We have several States, among them New York and Pennsylvania, which are already spending millions of dollars in the purchase of lands and the establishment of fire protection. The rule in New York is so strict that you can not even cut a stick of timber even if it should be cut. These States are blazing the way for a rational and effective forest system, bearing their own burden and setting an example for others to follow. While that is in progress in these States it is proposed, because a mountain range extends through several States, to make that an excuse for the Federal Government to take it over and relieve them from all their responsibilities.

Mr. BRANDEGEE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Connecticut?

Mr. BURTON. Certainly.

Mr. BRANDEGEE. Most all of these large navigable rivers run through several States, and where there is a controversy over the navigability it is the Government's proper constitutional function.

Mr. BURTON. The Senator from Connecticut does not deny that there is complete authority under the Constitution for States to cooperate in an enterprise of this kind.

Mr. BRANDEGEE. The bill gives the States authority to make contracts among themselves for that very purpose.

Mr. BURTON. Your bill may be very plain in its declarations and invitations, but the difficulty about it is that on the same page on which you invite them to do something for themselves you go ahead and do it yourself and relieve them of any responsibility in regard to it.

Now, I wish to come to another feature of this measure. When a bill of this kind was first proposed it referred only to the Southern Appalachian system. There was no idea of purchasing any forests except in the States of West Virginia, North Carolina, South Carolina, together with a little fringe in some other States. As is often the case in the history of legislation, it was found that this project was too local to stand alone. In order to get votes for it, it was necessary to bring in something else with it.

The forest commission of New Hampshire had pointed out what the State might do in New Hampshire. Indeed, it had been pointing it out for years. Then commenced this agitation to lay the burden upon the Federal Government. So the two were tacked together, taking advantage of the general term Appalachian, thus gaining thereby added support for the bill because of the greater area over which it extended and, it goes without saying, because of the interest of a larger number of Representatives from States and congressional districts which it enlisted. But it did not stop there. A member of Congress from the Lone Star State came before the committee. He desired to be in on this proposed appropriation at the very beginning. So he requested \$500,000 for 100,000 acres at the headwaters of the Red River. There were other propositions from other States. When this bill was framed, there was nothing sectional about it. No longer was it confined merely to the Appalachian or South Appalachian forests. It refers now to the whole country. The commissioners to be appointed under the bill can buy woodlands in Washington or Florida as well as in Maine or New Hampshire.

And to what does it point? We might just as well face the question to-day as at any time. It points to the enunciation of the policy that wherever a forest at the headwaters of a stream has been cut off, or wherever you can trace any remote connection between navigation and a forest at the headwaters of a stream the Government must step in and buy it. This all-comprehensive policy is a declaration to the owner of timber lands: "If you misuse your property, if you cut before the timber is mature, if you wish to let it go, the Government will come in and take it off your hands."

There is no more demoralizing feature in our appropriations than the patent fact that appropriations for the public service are made along geographical lines rather than for substantial benefits or completed results. One phase of this tendency is the yielding to insistent demands from a great variety of localities and the making of appropriations for a much less amount than is necessary to complete a public work or for one that falls below any rational standard of excellence, such as would lead to its adoption. This erroneous method has been glaringly manifested in rivers and harbors and public buildings, but the pending measure affords probabilities far in advance of any class of appropriations upon which money has been wasted. The requirements for a public building may be ascertained with some degree of certainty. The preliminary examination of a river determines its usefulness for navigation, but when money is expended for forests upon hills or mountains remote from navigable streams there is a field for conjecture and a degree of latitude which will lead to log-rolling and waste surpassing any extravagance which has ever been manifested in any other branch of national activity.

I want to call attention to a special feature of this bill. No right of condemnation is provided. This commission can not buy an acre anywhere except at the price which is fixed by the owner. Just what effect that will have is well illustrated. In 1901 the Appalachian National Park Association in a memorial indorsing the plan stated that these cut-over lands could be purchased for \$2 an acre. That memorial was printed in a report filed by the Senator from Indiana [Mr. BEVERIDGE]. In a report submitted by the Secretary of Agriculture in 1908 in pursuance of the act of 1907, he estimates the value at \$3.50 an acre. The price has gone up from \$2 to \$3.50 during this interval. If you have not the right of condemnation one of two things must happen; either an exorbitant price must be paid for parcels which are most essential, or else the commission must select those that are less essential and perhaps of very little value. The report of the Secretary of Agriculture recommends the right of condemnation proceedings and says:

The right to take lands under condemnation proceedings would be helpful, especially in some instances, to perfect title—

He does, however, add—

but the condemnation right must be handled with the greatest care and judgment and should be used only to clear title and in other cases of extreme necessity.

You could not select an area useful for this purpose without finding some parcel whose owner will either charge an exorbitant figure or else will decline to sell at all.

This is a very harmless little bill, some will say; it appropriates only \$10,000,000. But I want to show again what it means. The preservation of the hardwood forests is the main object of many persons favoring it. The report of the Department of Agriculture, on page 32, said:

There are probably 75,000,000 acres in this mountain system more important for timber production than for any other purposes. This area will have to be given protection before the hardwood supply is on a safe footing and before the watersheds of the important streams are adequately safeguarded.

That is merely on the Appalachian system. There are 100,000 acres down in Texas, a large area in the Ozark Mountains. This is but the advance guard of other millions of acres. An eminent gentleman from California said a few days ago: "I want this bill to pass because there are so many mountain sheds in California the land on which could be sold to the Government." People from Minnesota may also desire to dispose of their cut-over lands. These examples merely suggest the magnitude of this problem. This is, as it were, but a beginning, barely more than a drop in the bucket—even for the Appalachian Reserve alone.

These requests and suggestions must convince any unprejudiced student of the question that future bills on this subject will be framed with a view to the geographical distribution of the areas which the Government will be called upon to purchase. Sectional demands will be made upon the officials whom we place in authority over this field of our activities. Jobbery and all the evils of so-called "pork-barrel" legislation will appear in their most unattractive form.

The denuded areas in the White Mountains are now, for the most part, owned by corporations and groups of individuals. The same is true in other sections of the country. The pressure which these owners will exert upon Congress will be well nigh irresistible. And while I do not wish to paint a picture of shadows, none the less I am convinced that if this bill is enacted into law, sooner or later, the pages of our history will be darkened with scandals akin to those which were rife in the days of building the transcontinental railroads.

Now, Mr. President, we all have the greatest attachment for our methods of doing business here, but what will inevitably happen under this kind of a bill? Can anybody deny that it will be necessary for this commission to scatter its purchases over the United States? Will California allow New Hampshire to have the sole benefit of it? If we begin this policy in one locality and should restrict our purchases to the Appalachian Range the demand will be made with overwhelming force that having started on this policy we must continue it and buy the timber lands on headwaters of navigable streams throughout the United States.

Let us not forget that one of two things is sure to happen. Either ten millions will be spent and will prove utterly insufficient to accomplish any result of national scope or importance, because only scattered lands will be acquired here and there, or these appropriations must be continued on an enormously increasing scale. It is possible that in the administration of this measure its utility will be made clear and the dangerous experiment contemplated will be abandoned. But one thing is certain; other localities outside of New Hampshire and North Carolina will insist that the same treatment be rendered to their lands as to the localities on whose behalf the agitation for this bill first arose.

Mr. President, the price is too high and the prospect too threatening for us to agree to the enactment of such a bill. The average price of these lands in the White Mountains has been estimated at \$6 an acre and in the South Appalachian area at \$3.50 an acre. If we strike an average of these it means about \$300,000,000 for what is said to be necessary for the protection of this hardwood supply alone. In a debate which occurred last year on this bill the figure of \$750,000,000 was given as short perhaps of the amount that would be required. I want to quote briefly from something that Mr. Weeks said in the hearing before the Committee on Agriculture.

Mr. GALLINGER. I do not see why the Senator does not make it a billion and be done with it.

Mr. BURTON. The way you are starting out, I most confidently aver it will be a billion and more before you reach the end; that is, if you are going to adopt the policy exemplified in this bill. What is this policy? That the commission shall

have power to buy land wherever there is a forest or a watershed or a mountain or a high hill from which the flow of water in any way affects a navigable stream. Can the Senator from New Hampshire tell how many acres of that variety of land there are in this country?

Mr. GALLINGER. I know, Mr. President, that we are appropriating \$10,000,000, covering a period of five years. I am quite content to leave that to the eminent commission which will have charge of it. If in the course of time we wish to enlarge that, future Congresses will be as wise as we are, and they will either enlarge it or not as they see proper. I am not going into the realm of speculation, and I am not going to chase ghosts about this matter. I am going to leave it right where the bill leaves it, and trust that Congresses in the future will be at least as wise as we are.

Mr. BURTON. The future Congresses will have to be a great deal wiser than we are—

Mr. GALLINGER. Probably they will be. That is not a rash assumption.

Mr. BURTON. Because if this Congress starts it, what would a future Congress do except to point to the precedent established here? Every section of the country will say, "Appropriations were made for New Hampshire, for Maine, for California, and shall we be denied? You must do justice to us." The place to stop such a plan as this is in the beginning. It will not be the commission that will determine it. It will be the overwhelming pressure from the people, which, when it comes to seeking appropriations, is a force as mighty as any in this Republic.

Mr. GALLINGER. I promised myself not to interrupt the Senator again, but I believe the Senator is rather a stickler so far as the voice of the people is concerned. I think he believes in that. If the voice of the people is so potent that Congress must take action, I do not think we ought to find fault.

Mr. BURTON. I believe in the voice of the people as much as any man, Mr. President, but I do not believe the voice of the people is fairly represented in this case by the telegrams that are being received from persons in New England interested in water power and those who go up in the White Mountains to spend their summer vacations.

I do not believe popular sentiment is properly represented by those who have wood lots which they would like to sell to the Government because they are cut off. But if we adopt such a measure, it becomes a concrete and complete proposition having the ratification of Congress and, by inference, the sanction of the people.

Let me read what was said on this subject in the hearing before the House Committee on Agriculture:

Mr. BEALL. Suppose the policy is carried on, can you give the committee any estimate as to the probable amount of cost that will be involved in carrying the policy to the extent that you believe it should be carried?

Mr. WEEKS. No estimate that would be worth a cent. No; I can not.

He was at least candid about it. I am always afraid, Mr. President, of going into an expenditure where no even remotely reliable estimate of its ultimate amount can be offered.

Mr. BEALL. Do you think it would be less than \$50,000,000?

Mr. WEEKS. I should think not, eventually.

Mr. BEALL. Or less than \$100,000,000?

Mr. WEEKS. I presume not.

That is, he gives practically an affirmative answer now—over a hundred millions.

Mr. BEALL. Less than \$500,000,000?

Mr. WEEKS. Possibly. These are getting to be big figures, and I do not know.

Possibly not less than five hundred millions. In the same connection Mr. WEEKS said:

Mr. BEALL. Is it not true that the ground upon which it has been advocated has been almost entirely shifted in the last five or six years?

Mr. WEEKS. It is true that the fundamental reason assigned for the legislation has been shifted. The real reason behind the legislation has not shifted at all.

That gives us an idea of the path upon which we are taking the first step if we pass this bill to-day. Start in on the policy of extravagant expenditure, and once well started no floodgates are strong enough to withhold the torrents which will press upon us.

There is no feature in our legislation that has been so noticeable in recent years as the increase in our Federal appropriations. There is nothing which so strongly impresses itself upon a Member of the House or of the Senate as the ill will and the obloquy that rest upon a man when he urges economy in expenditure. But, Mr. President, so far as its rests within my power, I desire to stand for the average everyday citizen, the ordinary taxpayer of the United States, against the extravagant and exorbitant demands which are made upon Congress. This bill is one of them. This is the one which, in the

precedent it creates, in my judgment, is the worst of all. It not merely means forest reserves; it means, as I have said, the much more commendable public object of protection against the erosion of streams going into rivers, and other matters which should be undertaken by the localities immediately interested. Again, it fixes a precedent for disregard of constitutional limitations, the dangerous effect of which no man can measure.

Mr. President, what is the rational way to solve this forest problem? In the first place we must consider the difficulties of scientific forestation. In this country where we seek to make money rapidly, growing timber is less profitable as an investment than almost any other line of endeavor. One of the great Latin orators said, "A husbandman plants the tree, the fruit of which he may never behold." In our own country the man who plants a grove of trees is not sure that he will ever live to reap its profits. Accordingly, that kind of an enterprise is not as attractive as most business or other undertakings are.

Another difficulty is that the States impose burdensome taxes upon forest lands. They tax both the land and the growing timber, and the rates are in many cases so high that they absorb a considerable share of the increased value. In view of the especial quality of forests there should be exceptional rules relating to their taxation. If States care enough about the promotion of forests to foster them and to encourage persons in growing them, they can by tax regulations solve many of the difficulties.

Another obstacle in the way of the development of our forests is the frequent and destructive fires to which they are subjected. It is within the power of the respective States to control all of these things by maintaining a sufficient fire patrol, reenforced by education from the Federal Government, and by a reasonable exemption from taxation, so that the people may grow them with profit. Of course there are some parts of the country where the value of land for agricultural purposes is such that tracts will not be set aside for timber purposes. Once started, there is no place where you can stop. I will concede a certain exceptional demand for forest property, but at least, with this vast area of Federal forest reservations, is not the Government doing its part in the promotion of forests, and may it not call upon the States as well to do their part in the settlement of this great problem?

I want to call attention right here to an erroneous impression that forest lands have diminished in New Hampshire. I fancy that the Senator from New Hampshire will agree with me on that. I note that the majority report of the Committee on Agriculture of the other House in speaking of this question said:

The testimony before the committee is abundant and convincing to the effect that the destruction of forests in the Southern Appalachians and White Mountains is going on at an alarming rate.

The New Hampshire Forestry Commission, a body organized in 1881, reported as follows to the legislature of that State in 1903-4:

We (the forestry commission) have remarked that a greater percentage of our area was doubtless now under forest cover than at any time during the half century; this conclusion is emphasized in our experience. Where two generations ago were hillside farms of arable land and pasture are now great spaces of second growth, some sufficiently matured to attract lumbermen, with stone walls of former fields and pastures curiously out of place among the heavy growth.

The following is from the New Hampshire Forestry Report, 1905-6:

The White Mountain region includes about 3,500,000 acres, or 57 per cent of the entire State. The present forest consists entirely of second growth, chiefly in small lots, but occupying about two-thirds of the total area. The forest area has been greatly extended by the abandonment of improved farm land, in rapid progress since 1880.

A factor in transforming the past forest into that of the present has been the reversion of cleared land to forest. According to the reports of the United States census, about 1,000,000 acres of improved farm land has been abandoned in New Hampshire since 1880.

Now, let us look again for a minute at the policy of this State, for here is the basis of this whole difficulty. The States have been careless and profligate in handling their forests. If you pass this bill, you virtually say that other States may also be careless without suffering the consequences.

October 17, 1867, the State conveyed by deed to Orrin M. Chase for \$500 the land lying within a circular area of 6 miles in diameter.

Six miles in diameter, I take it, would include about eighteen thousand acres. This is less than 3 cents an acre.

October 17, 1867, the State conveyed to William H. Smith for \$20,500 70,000 acres in Coos County, reserving not to exceed 200 acres.

That transfer was made at a price of a little less than 30 cents an acre.

November 5, 1867, the State conveyed to William H. Smith and Noah Woods all the lands in the counties of Coos, Grafton, and Carroll to which the State had any right for \$4,000, said land being estimated at

100,000 acres, reserving only lands for arsenal lots and gun-house lots owned by the State in these counties.

This land was sold for about 4 cents an acre, a most disastrous bargain. After squandering their natural resources in this way the State now turns to the Federal Government with a request for the restoration of its natural endowment.

I do not want to criticize these people for lack of wisdom or for advocating this measure, for they are a sturdy race. But it is clear that the strongest argument for this bill is far removed from any relation to navigation. It relates rather to the summer resort business. In the same report the forestry commission of New Hampshire says:

As a summer resort New Hampshire is growing in importance from year to year. A special report issued by the State bureau of labor in 1899 points out the magnitude of the business:

*General summary of the summer resort business of 1899.*

Capital invested in summer property	\$10,442,352
Number of guests remaining one week or longer	58,222
Number of transient guests remaining less than one week	95,706
Total number of guests and those occupying cottages	174,280
Total number of help employed	12,354
Increase of guests in 1899 over 1898	8,093
Increase in cash received at hotels and farmhouses in 1899 over 1898	\$402,341
Total volume of summer business and investment for 1899	\$6,609,364

By this time the business has no doubt increased to an amount well beyond ten millions a year.

Now, suppose this forest upon the mountain sides is reserved. What will these people next request? That it be created into parks for that great army of summer visitors, amounting in 1899 to 174,000. I must submit, Mr. President, that the State itself should take care of this problem and not call upon the United States to assist them in providing attractions for summer tourists.

I have carefully examined this bill with reference to another proposition. Where is there anything in the bill to compensate the Government for the use of the water power? Under its provisions the Government could proceed to buy hundreds of thousands of acres, avowedly to improve water power. Who will use this water power? Not the Government of the United States. Certainly it can not engage in a business of that kind. Where is there any provision in this bill regulating the leasing of that water power and providing payment for it? Of course, those interested in power companies would rather this land, which abuts upon the flowing streams where electricity can be generated, should belong to the Government than to private owners. They can make a very much more favorable bargain with the Federal Government. Indeed, if they now own it themselves, it would be to their advantage to sell it to the Government and then utilize it apparently for nothing.

Here is one other point which shows the wide scope of reason and imagination in this project—the expectation that the Government will construct water reservoirs in addition to purchasing the forests.

As a result of the hearings before the Committee on Agriculture it was said in the discussion upon this matter:

It is apparent that after the Government has reserved the watersheds the owner of water power will expect the Government to build storage reservoirs.

I find some reference to that on page 17 of the report of the Department of Agriculture:

Considering this condition, it is of interest to note what can be done by means of a storage system on this river—

That is, the Savannah—

Topographic surveys have located 14 reservoir sites, which, if developed, would have a capacity equal to the annual run-off of 1,670 square miles of drainage area, or 23 per cent of the drainage area above Augusta. With these reservoirs developed and filled, the amount of water which could be stored would be sufficient to maintain an added depth of 9 feet at Augusta for a period of 118 days, or practically four months.

As I have already spoken of the desirability that the State take up this matter of forest preservation and development, I want now to discuss the most important argument in favor of leaving this duty with the States. The States have police powers under which they can prevent the wanton destruction or even the cutting of timber when held by private owners. Mr. President, I wish to impress upon the Senate the distinction between the power of the States and that of the Federal Government. No such power is vested in the Federal Government. In the State of Maine a bill was introduced to the effect that no tree under 12 inches in diameter in certain forests could be cut off. The State of Louisiana, I believe, has passed a similar law.

In the exercise of its power to prevent the impairment of its resources, a State can pass such regulations and enforce them, but, as I have said, the Federal Government has no such police powers. The Government can, of course, adopt such a policy on

its own private forests, but in order to maintain the forests of the country it is necessary that there be some power to enforce such regulations. Otherwise what do we say? That "we will wait until all the forests have been cut off and then we will buy them. We will waive all opportunity to restrict cutting while the trees are standing on the soil, but when these tracts have been denuded, then we will buy"—which is like locking the stable door after the traditional horse has disappeared.

Mr. GALLINGER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. Certainly.

Mr. GALLINGER. Does the Senator think that constitutionally a State can say to the owner of a piece of timber land that he shall not cut timber beyond a certain size?

Mr. BURTON. Those regulations are in vogue in many European States, and I will read to the Senator from New Hampshire—

Mr. GALLINGER. I speak of our country. Does the Senator think that that can be done?

Mr. BURTON. I do.

Mr. GALLINGER. It has been inquired into very carefully in New Hampshire, and the conclusion is that the State has no such power.

Mr. BURTON. Here is a decision of the Supreme Court of the United States, volume 209, page 349, opinion by Mr. Justice Holmes:

The State, as quasi sovereign and representative of the interests of the public, has a standing in court to protect the atmosphere, the water, and the forests within the territory, irrespective of the assent or dissent of the private owners immediately concerned. (*Kansas v. Colorado*, 185 U. S., 125; *Georgia v. Tennessee Copper Co.*, 206 U. S., 230.)

The public interest is omnipresent wherever there is a State, and grows more pressing as population grows, and is paramount to private property of riparian proprietors, whose rights of appropriation are subject not only to rights of lower owners, but also to the limitations that great foundations of public health and welfare shall not be diminished. (*Syllabus: Hudson County Water Co. v. McCarter*, attorney general of the State of New Jersey.)

That was not a question directly relating to forests, though the Justice does use the expression "the atmosphere, the water and the forests," and thus brings them within the general rule. In the State of Maine, adjoining New Hampshire, on a question filed with the judges relating to a bill pending in the State legislature, an opinion was rendered by the supreme court in these words:

Legislation to restrict or regulate the cutting of trees on wild or uncultivated land by the owner thereof, etc., without compensation therefor to such owner in order to prevent or diminish injurious droughts and freshets and to protect, preserve, and maintain the natural water supply of springs, streams, ponds, and lakes, etc., and to prevent or diminish injurious erosion of the land and the filling up of the rivers, ponds, and lakes, etc., would not operate to take private property within the inhibition of the Constitution.

That authority is directly in point and answers the question of the Senator from New Hampshire in the affirmative.

Mr. GALLINGER. It does not quite answer it, for the reason that I did not know that the Senator contended that these lands should have reference to the water flow. I thought he had reference to timber lands in general.

Mr. BURTON. I have no doubt that there is far greater—

Mr. GALLINGER. Our State has wrestled with that problem, and we would very much like to have that power if we could have it so as to protect the smaller growth.

Mr. BURTON. I have no doubt that you have it now.

Mr. GALLINGER. Well, we do not think we have.

Mr. BURTON. There is nothing like trying.

Mr. GALLINGER. Well, we have tried it.

Mr. BURTON. There has been little legislation proposed on this subject that has not been confronted with powerful interests opposed to it. Of course if the National Legislature can be induced to do it there is little incentive for the States to try.

Mr. GALLINGER. We have even gone to the extent of marking the trees outside of the fence on the side of the public roads, and yet the adjoining landowner claims the right to cut those trees if he sees proper. He says they belong to him, and he cuts them. We would like to protect those trees so as to make parks along our highways.

Mr. BURTON. I have no doubt that in carrying out a broad forest policy for the welfare of the State you have the right to restrict the cutting of timber.

Mr. GALLINGER. The Senator knows that New Hampshire has gone very far in the matter of forest protection. We have not only a State Forestry Commission, but we have a volunteer forestry commission, officered and controlled by our leading citizens. We have a system of fire protection, with a fire warden in every town; and we are doing everything we possibly can to protect our forests so far as the State is able to

do so. The State is not able to purchase those lands. The State did make a very foolish trade when they parted with those lands. There is no doubt about that.

Mr. BURTON. At the same time, Mr. President, we must observe a general rule. It will not do for New Hampshire to come to Congress and say, "New York can purchase its forest land; Pennsylvania can purchase its forest land; but we will not." In this matter there should be like treatment for every State. The moment you depart from that rule you establish a policy of favoritism that extends to every agency of this Government, it does not matter whether it is forests or rivers and harbors, or what it may be. Equality is equity; like treatment for all States is the only just rule.

Mr. GALLINGER. A bill has just been favorably reported in the New Hampshire Legislature appropriating money to buy the lands in the famous Crawford Notch, so we are planning to do what we can in that line.

Mr. BURTON. Now, Mr. President, I will briefly refer to the regulations of European countries on the subject of forest preservation. The following facts are taken from Fernow's "Economics of Forestry" and Cleveland's "What Forestry Has Done:"

Besides State ownership of large areas of forests, most European countries have passed regulations affecting the management and use of private forests. This has been found necessary as a result of the devastation of forests under private exploitation and the fear of a timber famine.

Mr. President, what does that show? It confirms and even makes stronger, what I said, that there is no rational, judicious policy of forest preservation or promotion that can be complete without regulations forbidding the cutting of timber upon private lands. Such regulations the Federal Government can not impose upon private owners, but the States may and can.

#### GERMANY.

In Germany about 30 per cent of the private forests are subject to regulations, which vary somewhat in different States and take various forms:

- (1) Prohibitions to clear permanently, or the necessity of obtaining permission before clearing.
- (2) Enforced reforestation within a given period after cutting—a very important regulation.
- (3) Prohibition of devastation or deterioration.
- (4) Definite prescription as to the manner of cutting.
- (5) Enforced employment of qualified personnel.

#### FRANCE.

Since 1874 France has been very active in the control of forests. The State now owns about 2,800,000 acres, or about 12 per cent of the total forest area.

In the case of private holdings no clearing is permitted without notice to the Government authorities and in the mountain districts without special sanction by the same.

Village and city corporations own 27 per cent of the forest area. These must submit their plans of management to the state forest department for approval.

Some years ago 1,000,000 acres of mountain slopes were denuded by floods. Under the law of 1882 the State is buying and reforesting this land or compelling communities or private owners to do so with financial aid from the Government.

#### SWITZERLAND.

Forest regulations have existed in this country for 600 years. In 1876 the Bund assumed control of the water and forest police in the Alps above a certain elevation. All the Swiss forests comprised in the Bund are now classified into protection and nonprotection forests. Whether public or private they are all controlled by the Government. In the protection forests cutting is carefully regulated. Stumpage sales are forbidden, and all wood must be felled and measured under the direction of a forest officer. Nonprotection forests are also subject to a number of regulations even when in private hands. Clearings may be made only with the consent of the Canton, logged areas must be reforested within three years, and existing forest pastures must be maintained.

#### RUSSIA AND SWEDEN.

In these two countries the forest regulations are very similar. The Swedish law of 1903, which went into effect January 1, 1905, requires in general the approval of provincial forest-protection committees for all cuttings. A diameter limit is set, below which trees may not be cut. Clearings are forbidden and cleared lands must be reforested. Pasturing is restricted where it would do harm.

In Russia forests which hold shifting sands or protect the shores of rivers, canals, and other waters, as well as those which serve to prevent erosion and avalanches in the mountain dis-

tricts, are classed as protection forests and subject to strict regulation. Private forests not so included may be cleared only on certain conditions.

#### AUSTRIA-HUNGARY.

In Austria private forestry is encouraged by a system of taxation which relieves those areas in which forestry is practiced. The Government also aids in reforesting tracts denuded by torrents.

In Hungary the management of all corporation and protection forests has been supervised by the Government since 1879, and all so-called "absolute forest land," in other words, land unfit for farming, must be reforested within six years after it is cleared. This includes three-fourths of all the forest land of Hungary. All mountain forests are required to be managed under State working plans. Forest planting is encouraged by State nurseries, at which 10,000,000 seedlings are raised every year for free distribution, and by bounties paid for forest plantations established on private waste lands.

Mr. President, in recent years we have had much agitation for scientific forestation, with which I sympathize entirely; but from the experience of other countries, it is very evident that if we are to establish any effective system of forestation, the proper authority—and that is the State legislature, and not the National Government—must regulate and control private forests. After long years of experiment in each of the countries mentioned it was found necessary to place a limitation upon the cutting, to require the approval of some commission before clearing, to limit the size of the tree to be cut, or to impose some other restrictions of that kind.

This bill which we are considering points in the wrong way. It says to the private individual: "You may make all the profit you can by cutting the timber off your land; and then when it is all gone and you have sent it off to market and made your money, the Federal Government will come in, and if your land is where the claim can be made that it affects navigation, will buy it from you and at your own price. It will not even exercise the right of condemnation."

Mr. President, I have spoken somewhat strongly in regard to this bill, because I am satisfied it is pregnant with evil not only in its extravagance, and in the precedent which it establishes, and in the fact that no bounds are fixed where we can stop, but also as much as anything else, because we are proposing to secure forest preservation in a most irrational and unscientific manner. We are saying to the alert and independent people of the various States accustomed to work out their problems for themselves, "we will assume the problem of forestation; we will buy your denuded forest lands and relieve you of further responsibility."

Memorials from chambers of commerce teem with accounts of how much revenue the Government will obtain from these forests when it buys them. What a splendid object lesson we have in the returns from the 190,000,000 acres of forests the Government already owns. During the last fiscal year \$5,008,000 was expended for taking care of these forests, and we received an income of \$1,766,000 from them. I have not told the whole story. Twenty-five per cent of that \$1,766,000 was paid over to the States in which the forests are located, reducing the net revenue to about \$1,300,000.

A great deal of literature is being sent here, Mr. President, to exhort and to advise us in regard to this legislation. We have received a great many assurances of the benefits that will accrue. But I do not believe there is anything more worthy of immediate consignment to the wastebasket than that literature which tells us of the profit we will make out of the lands on the proposed Appalachian Forest Reserve. It is simply impossible under Government control, with the pressure that is always brought to bear upon executive officers and Members of Congress, that we could possibly engage in any business enterprise of this kind and make any profit out of it. I do not wish to utter any note of prophecy, but I have a decided conviction that if we buy these lands, within a score of years after the timber has become valuable the respective States will be coming here to Congress and asking that these forests be returned to them. They will probably not have to come here to get the proceeds and the benefits that are to be derived from the forests—they will have gotten them all in the meanwhile; but they will ask that the title in fee simple be turned over to them.

Mr. President, there is one point that I want especially to dwell upon. Not a single man among those having control of the navigable waters of this country has made any recommendation or request or suggestion that the purchase of these lands is necessary for the promotion of navigation. The Engineer Corps recommend, not the buying of forests, or the planting of trees, but the use of willows and grass plots along the

banks of streams to protect them against erosion. With all their investigations and their practical knowledge of navigation—some of them educated in Europe—some of them familiar with the methods of river improvement in foreign lands—not one single note have they ever uttered in favor of this plan of acquiring forest lands at the headwaters of streams to improve their navigability. These engineers, who have the sole responsibility for the management and improvement of our rivers, are displaced, and the authority over this whole project, which should be left to them, is transferred to the Director of the Geological Survey.

Mr. President, suppose some Senator should be so impracticed in our methods of administration as to rise from his seat here and suggest "I want such and such a river improved" or "such and such a harbor improved; the Geological Survey is in favor of it." The carelessness and lack of knowledge of the rules and of the law which he would thus manifest would cause him the most intense embarrassment. But here, not on questions that are perfectly evident, as in the improvement of a great harbor, but in this question, which is conceded to be most extremely doubtful, whether forestation has any effect on the stream flow and navigability of rivers, you brush aside the responsible officials of the Government and leave the entire question to the officials of the Geological Survey. They are most talented men, very excellent in their sphere, but let not them by our legislation enter upon a branch of the Government service which does not belong to them.

If we want to turn over this whole question of the improvement of the Ohio and the Tennessee and the Cumberland Rivers to the Geological Survey, let us be consistent and let us bring in a bill providing that hereafter the improvement of those rivers for navigation shall be managed by the Geological Survey. But let us not undermine that which is orderly and salutary in our Government by such an indirection as this. Will anyone deny that the reason this authority was not left to the Army engineers was that some of them had been so indiscreet as to express their honest opinion that this project would not benefit the navigability of streams?

That which, after all, is the most important question in this bill is the step it takes toward centralization. This bill, if enacted, marks the first step of any magnitude in the purchase of private property by the Federal Government for the purpose of embarking upon purely private or local enterprises. I want to read, especially to some of the Senators around me, something which, while I might not adopt it as my sole platform, I think among the wisest words of Thomas Jefferson, one of the great men of the early days of the Republic. In his autobiography he says:

It is not by the consolidation or concentration of powers, but by their distribution that good government is effected. Were not this great country already divided into States, that division must be made that each might do for itself what concerns itself directly and what it can so much better do than a distant authority. It is by this partition of cares, descending in gradation from general to particular, that the mass of human affairs may be best managed for the good and prosperity of all.

We have had too much centralization lately, based for the most part on the fact that communities and States are coming to Congress to get appropriations for things which they ought to do themselves. Everyone recognizes that with the great growth of commerce, the railways, the canals, the rivers, the telegraph, the central Government must assume certain powers it did not exercise in earlier days. But I still believe in the legitimate sphere of the State, the county, the city, and the little village. It is not so much the nation and the general taxpayer that are harmed when people come here and ask us to do that which they themselves ought to do. It is the residents of these minor political divisions themselves who will ultimately suffer, because, in abdicating their duties and responsibilities, in failing to live up to their opportunities, they lose that stalwart citizenship which they ought to retain and foster. They lose their chiefest value as citizens of this Republic. They lose sight of that admirable division of rights and obligations which begins with the home and the family, goes through the village and the township, and comes at last to the great nation.

So, Mr. President, not merely does such a measure as this impose upon the central Government and the general taxpayer a burden which they ought not to carry, a duty which they can not perform as efficiently as it could be performed by the locality, but it robs each State and its people of the chiefest distinction that belongs to citizenship in this Republic—their independence and their opportunity.

Mr. NEWLANDS obtained the floor.

Mr. BRANDEGEE. Will the Senator from Nevada yield to me simply to make a suggestion?

So far as I know, Mr. President, there are only three other Senators who desire to be heard. The Senator from New Hamp-

shire [Mr. GALLINGER] wants to say a few words and the Senator from North Carolina [Mr. SIMMONS] and the Senator from Nevada. Inasmuch as the unanimous-consent agreement provides that a vote must be had before adjournment to-day, in order to test the sense of the Senate I ask if it is not possible now to fix an hour when the vote shall be taken?

Mr. BURTON. There are a couple of amendments I desire to introduce and have voted on. One is in line with what I have just been saying, that the Corps of Engineers be substituted for the Geological Survey.

Mr. BRANDEGEE. If the Senator desires to offer amendments—

Mr. BURTON. I desire to be heard only very briefly on that. I think I will offer them right now, if it is agreeable to the Senator from Nevada. It will take only a minute to read them.

Mr. BRANDEGEE. As far as I am concerned—

Mr. NEWLANDS. I prefer, Mr. President, to go on with my remarks.

Mr. BURTON. Very good. I will offer them at another time.

Mr. NEWLANDS. After I conclude the Senator from Connecticut can submit his request for unanimous consent.

Mr. BRANDEGEE. I understand the amendments are very brief, and I do not think their presentation would interfere with the request for unanimous consent as to when we shall commence voting upon the bill and amendments.

Mr. BURTON. We shall finish the bill in due time, and I do not quite see—

Mr. BRANDEGEE. If there is the slightest objection, I will not ask for it at all.

Mr. BURTON. I do not think we will be detained here any unusual time.

Mr. BRANDEGEE. Senators have been asking me what time to expect a vote. I did not know but that we might give them some sort of an idea, say, 5 o'clock, of the time when voting would begin. But I withdraw my suggestion at the present time, in view of what the Senator from Ohio has said.

Mr. NEWLANDS. Mr. President, at the last session of Congress the bill known as the White Mountain and Appalachian bill, having passed the House, came to the Senate for its action.

Realizing that this bill simply added to the fragmentary legislation in which Congress has thus far indulged regarding the development of our rivers, and that the immediate purpose of the bill was not so much to promote navigation as to accomplish the purchase by the National Government of large forest areas which had been or were to be denuded of trees, with a view mainly to the maintenance of a sustained flow of the rivers having their sources in these mountains for the protection of existing waterpower or the development of waterpower in the future which depended for its utility upon the regulation of stream flow, I opposed the endeavor to secure the immediate passage of the bill. My purpose was not to defeat the bill, but to anchor it more firmly to the interstate commerce power of the Constitution and to enlarge its area so as to provide a comprehensive scheme of legislation that would involve the regulation of the flow of all the navigable rivers of the country in aid of navigation and accomplish that ultimate object by the storage of the flood waters of these rivers, including the source streams, for purposes of irrigation and power; by the protection of forested areas included within the water sheds of such rivers and their sources, so as to prevent precipitate run-off and safeguard against denudation and erosion; by the protection of the river banks by revetment and levees, so as to confine the rivers to their channels, and thus aid in the reclamation of vast areas of swamp and overflowed lands within the drainage basins of such rivers containing an alluvial soil of enormous fertility and requiring only protection from flood waters to insure their highest agricultural development. Thus we would promote and aid navigation by the maintenance of a comparatively stable flow of water for boats and barges, free from capricious changes in the depth of channel as the result either of floods or of droughts.

Realizing that such a regulation of the flow of our rivers would involve not only the utilization of the services of the Engineer Corps of the Army now employed in works relating to rivers and harbors, but also of the information, experience, and aid of the other scientific services of the Government that relate in any way to water, such as the Geological Survey, the Forest Service, the Reclamation Service, and the agricultural bureaus, it was my purpose to provide for their cooperation with the Engineer Corps of the Army through a board or boards to be selected by the President.

Realizing also that such regulation of the flow of rivers and streams would involve the sovereign powers and jurisdiction not only of the Nation but of the States, it was my purpose, by

amendment, to provide for such cooperation, so that broad and comprehensive plans could be made through the cooperation of the scientific services of the United States with similar organizations in the respective States in such a way as to involve teamwork upon the part of all, with a fair apportionment of costs and benefits.

These principles had been embodied in various bills and amendments to the river and harbor bill which had been presented by me and had been referred to the Senate Committee on Commerce, and which embodied the recommendations of the Inland Waterways Commission, appointed by President Roosevelt, the favorable views of Mr. Taft, then Secretary of War, and the principles which had been agitated by the various waterway associations of the country on the Atlantic and Pacific coasts, on the Gulf coast, and on the Mississippi River, and the various associations which had been urging development of the tributaries of the Mississippi, such as the Ohio, the Tennessee, the Cumberland, the Missouri, and the upper Mississippi. These principles had been advocated by President Roosevelt and had been approved by the first conference of governors held at Washington regarding the conservation of our natural resources.

These bills, which had gone through varying forms of approval either by a subcommittee or the full Committee on Commerce, I had found it impossible to press to final action, not so much because of opposition to the principles of the bills as because of details obnoxious to this Member or that, or because of continuous objections to their consideration by the Senate upon the part of those opposed to any development of the so-called conservation policy.

One difficulty about the waterway propaganda has been that it has been almost impossible to bring together in one scheme of legislation the various people and sections that were interested in different branches of the propaganda. It was difficult to induce those who believed in forest protection to take an interest in irrigation or in swamp-land reclamation or in water-power development, and it was difficult to interest those who believed in the development of each of these in forest protection. The result has been that Congress has proceeded in a spasmodic and fragmentary way to legislate upon each of these questions separately, without realizing that they were interdependent, and that joint plans involving the development of all would tend toward the best development of each.

In the movement for waterway development it has thus far been difficult to enlist the warm and active interest of the Senators and Representatives from the Atlantic coast States. They had been accustomed to the methods of shaping the river and harbor bill through the initiative of Members and Senators and through the work of the Engineer Corps of the Army, which, forbidden to exercise the power of initiative and the power to make suggestions or present comprehensive plans, was confined in its work to unrelated projects, as provided for through the individual recommendations of the Senators and Representatives of the various States.

The rapid denudations of the White Mountains and the Appalachian Mountains, the increasing rapidity and irregularity of the run-off, the erosion of soil, and other evils consequent upon forest destruction, brought the representative men of the States of Maine, New Hampshire, and Massachusetts, as well as of Virginia, North Carolina, South Carolina, and Georgia, to a realization of the necessity of legislative action, and finally brought these representatives, by reason of a common interest, into a union of action, which, after numerous attempts and failures, resulted in the passage of the pending bill, known as the Weeks' bill, through the House of Representatives—a bill which does not pretend to enter into the larger problems of navigation at all, but simply seeks the acquisition of these forest lands by the National Government, under the system of cooperation between the Nation and the States first suggested by the inland waterways bill.

And so, having adopted the methods recommended by the Inland Waterways Commission, by President Roosevelt, and by Secretary of War Taft as applicable to comprehensive waterway development, they applied them simply to the restricted area of the acquisition of forest lands; thus, while relying upon the power of the Nation over interstate and foreign commerce as the constitutional basis of this bill, they entirely ignored navigation itself and simply sought to acquire these forest lands under the powers of the Nation over navigable rivers.

The real thing they had in mind was not navigation but forest preservation, and they proposed to use the power of the Nation over navigation simply as a means to an end.

#### POWER OF THE NATION TO REGULATE STREAM FLOW.

I do not doubt the power of the Nation to acquire property or to do work that either directly or indirectly accomplishes the regulation of stream flow in navigable rivers or their tributaries, and I do not doubt the power of the Nation to do this either in one comprehensive measure, or piecemeal, taking up the forests, irrigation, drainage, water storage, bank protection, and dredging, each by itself, separately. But I do contend that the piecemeal way is a very injudicious method of approaching the question; injudicious because broad and comprehensive plans, requiring dovetailing of these various acquisitions and works with each other, are absolutely necessary in order to secure economy of expenditure and efficiency of development. And injudicious also because successful legislation giving satisfaction to those interested in one form of river protection or development eliminates them from the support of broad and comprehensive plans, and thus by a gradual process the minor interests are satisfied, whilst the major interest, the one in which the Nation alone, by virtue of its sovereignty, is interested—namely, the promotion of navigation—suffers.

I have thought it particularly desirable that we should secure the valuable support of the Senators and Representatives from the Atlantic coast States for the major proposition, and that we should not emancipate them from interest in the major proposition by giving them all that is involved in the minor propositions which they support so enthusiastically. I have feared that if the minor propositions are considered simply in detail, one after another, much of the interest in the major proposition will be lost, and that whilst all of these things may be done under the national power regarding navigation, little if anything will be done in the promotion of real navigation, and that the Government will continue its present piecemeal system of waterway development, which has proved so unsatisfactory in the past.

I have been, therefore, particularly reluctant to free the Senators and Representatives from the New England States, as well as of the Atlantic coast Southern States, from interest in the general subject by aiding them to secure all that they want under this bill, without any assurance of their interest in the broader aspects of the problem.

#### WHAT A COMPREHENSIVE BILL SHOULD EMBRACE.

The next question that arises is as to the ability of the friends of comprehensive waterway development to force the amendment of this bill in such a way as to insure broad and comprehensive plans for general waterway development. I do not doubt, Mr. President, that this could be accomplished by an organization which would include the friends of the development of the watershed of the Mississippi with all its tributaries, and the friends of Pacific coast waterway development, and the friends of irrigation development, comprising in all 15 States. I think it is safe to say that if the prevailing apathy and inertia could be overcome and the sentiment of these Representatives ascertained they would be found to favor, first, the creation of an ample fund for river regulation and waterway development, sustained by annual appropriations adequate to the magnitude of the problem aggregating at least \$50,000,000 a year; second, that they would include in this development the acquisition and protection of forest areas where the preservation of the forest or woodland cover is necessary to prevent erosion and destructive run-offs, the construction of reservoirs on source streams for the storage of flood waters for irrigation and flood prevention, and the construction of reservoirs on source streams and main streams for the storage of flood waters for the development of water power, the bank protection necessary to confine rivers to their channels, and thus prevent the overflow and secure the reclamation of adjoining swamp and overflowed lands, the dredging of rivers where necessary for the purpose of maintaining a standard channel; third, the co-ordination of the various scientific services of the Government, both in plans and in works; and, fourth, the cooperation of the National Government with the States in plans and works, with a fair apportionment of benefits and costs.

If such an organization were effected, the great work of river regulation for every useful purpose, including navigation, would be prosecuted with a certainty, a vigor, and a success which has attended the construction of the national irrigation works and of the Panama Canal. The various sections of the country would probably demand that this fund should be fairly apportioned among them.

It is true, Mr. President, that a fund amounting to about \$5,000,000 or \$6,000,000 annually, called the "reclamation fund," is applicable to the construction of irrigation works in the arid and semiarid regions, but this fund is a revolving fund, which will be kept good by the sale of water rights, so that every

dollar of the cost of the works constructed with that fund will be paid back to the National Government. It has already been shown that this fund has been scattered over too large an area, namely, about 13 States and three Territories. Many of the projects involve the storage of waters upon the Snake River, the Missouri River and its tributaries, and the Platte and the Arkansas Rivers, all of which flow into navigable streams; and it is the contention of western men that the reclamation fund should be relieved of the cost of the storage reservoirs on the source streams of navigable rivers, and that such fund should be applicable only to those streams and waterways of the arid region which empty into the Great Basin and do not constitute any part of our navigable system.

I feel that the apportionment of a waterway fund as between sections would secure contemporaneous work in all of them, and by this step we abandon the spoils system, the piecemeal system, and the fragmentary legislation of the past, and would place the whole scheme of river regulation and river navigation under scientific control, involving the cooperation of all who have any knowledge of or experience regarding the waters of the United States, and involving the cooperation of 46 sovereign States with the Nation in this great work.

It was my original purpose, Mr. President, to have attempted to secure such an organization of the Senators outside of the States affected by the White Mountain and the Appalachian Mountain forestry questions as would enlarge this bill and make it effective in this great national work, at the same time securing to the region of the White Mountains and the Appalachian Mountains not only the benefits of this bill but the benefits of enlarged legislation.

#### THIS BILL ESTABLISHES A CONSTITUTIONAL PRINCIPLE.

But it has been represented to me, Mr. President, that a successful attempt to amend this bill in the Senate may involve renewed attacks upon it by the enemies of the measure when the bill goes into conference, and that in the pressure of legislation there is a possibility that in that event the bill might fail of final consideration.

I should regard that as a misfortune, because this bill is beyond all question a step in advance in the right direction. It establishes and applies a constitutional principle of vast importance, which is that the regulation of the flow of rivers by the protection of the watersheds from denudation and erosion, and the preservation of forests as sources of water supply, is a proper function of the National Government under its power to maintain the navigability of rivers.

That principle being established, the practical working out of the problem in its larger aspects may be left to later legislation, and it would be most unwise to jeopardize the distinct advance in the application of right principles made by this bill because it does not go as far as it ought to go in the broader application of that principle.

In the face of such considerations I have decided not to make any effort to enlarge the scope of this bill by amendment. I have applied my efforts entirely to an endeavor to commit the friends of this bill to the larger legislation in the future which I have outlined. Recently, before the Committee on Forestry, which has this bill in charge, I stated frankly the embarrassments under which I labored in continuing my efforts to enlarge this bill, and I am glad to say that there was but one expression in the committee, and that was of interest in and sympathy with the larger legislation which I have outlined—not an absolute committal to all its details, but an indication of friendliness to the general line of action proposed.

For these reasons, Mr. President, I advocate and urge upon the Senate the passage of this bill without any amendment of any kind whatsoever. I shall vote for it, in the hope that the Senators and Representatives throughout the regions affected will realize that, having authorized these large expenditures and acquired these large interests under the national power regarding navigation, they will see to it that proper legislation is enacted in the future that will promote navigation and facilitate the transportation of both freight and passengers by water and bring to the country all the far-reaching advantages that would result from the practical carrying out of a comprehensive plan for the regulation and control of the flow of rivers, primarily in aid of navigation, but as a means to that end to provide for flood prevention and protection and for the beneficial use of flood waters and for water storage and for the protection of watersheds from denudation and erosion and forest fires.

I am now preparing such a bill and will no doubt be able to introduce it for the consideration of the Senate in the very near future. In the meantime I hope that every Senator who favors a broad national policy for the fullest enlargement and regulation for beneficial use of the water and forest resources of this entire country will support this White Mountain and

Appalachian bill and oppose any proposition for its amendment at this time.

#### COUNTRY DEMANDS FULL DEVELOPMENT.

From this time forth we must realize that the country needs and will demand from Congress legislation that will include the full regulation, improvement, and development of all the waterways of the United States under broad and comprehensive plans. We have enacted into law such broad and comprehensive plans regarding the irrigation works of the country, and as the result of only eight years of work we have to-day 23 projects, some completed, and all well along toward completion.

#### BOARD OF CONSTRUCTIVE COOPERATION.

We entered upon broad and comprehensive plans regarding the Panama Canal, and instead of wasting time over the discussion of the various engineering problems of that great enterprise, as to whether there should be one lock or two or three—questions relating to the Gatun Dam and the Chagres River and other questions—we determined to go ahead and build the Panama Canal, and we gave the commission ample powers and ample funds, and as the result of the wise judgment of Congress in so doing we find that work rapidly approaching completion.

I originally had in view, Mr. President, the enlargement of this bill by providing for the cooperation of all the scientific services of the Government which relate in any way to the control or use of water, through a board to be created by the President and in aid of the Engineering Corps of the Army, now vested by law with the control of the great works for the improvement of our rivers.

I proposed also to seek an amendment providing machinery by which the Nation could cooperate with the States in this great work in such a way as not to involve the intrusion by one sovereign upon the jurisdiction or the power of the other, but to unite all sovereigns, National and State, in this great work, by providing the machinery of cooperation and providing for a proper apportionment of costs and of benefits, so that instead of wasting time in an endless discussion upon the question of what belongs to the national power and what belongs to the State power, what belongs to the national jurisdiction and what belongs to the State jurisdiction, we could unite the powers and the jurisdiction of all in team work intended to create a common benefit for all the people of the United States.

#### AN ENTERING WEDGE FOR LARGER LEGISLATION.

Mr. President, I am told to-day that owing to the brief period of the session now before us, the great rush of business, there is a well-founded fear that if this bill is amended and goes into conference it may fail of final action.

I should deplore such a result. Whilst I favor a larger bill, with more comprehensive powers, providing a larger fund and providing for the concurrent work under the bill in all sections of the country, I should deplore the failure of this bill, for I am in hopes that it will operate at least as an entering wedge to the larger legislation to which the friends of the waterways of the country are addressing themselves.

When I last week appeared before the Committee on Forestry, which has this bill under its jurisdiction, I presented to them frankly the embarrassments under which I was laboring, endeavoring to urge upon them the importance of enlarging this bill, and, if that was impossible, endeavoring to convince them that they should aid the friends of the waterways later on in securing the larger legislation to which I have referred.

I was glad to find that the minds of the members of that committee were hospitable to the larger legislation, and that whilst it was unreasonable, of course, to expect their acquiescence as to all details, they were disposed to cooperate with the friends of the waterways in this country in larger and more comprehensive legislation.

#### IMPORTANCE OF REGULATING RIVER FLOW.

Mr. President, what does the development of the waterways as efficient machines for transportation require? It requires primarily the regulation of river flow; that is the first thing that must be controlled. For if the flow of the rivers be regulated in such a way as to avoid the extreme of floods and the opposite extreme of low water we will always have in the rivers a navigable stage of water to transport boats for passengers and freight. If we regulate the stream flow, in order practically to standardize our navigable rivers, we will have accomplished almost everything that is desirable in regulating these rivers for the purposes of interstate commerce.

How can that stream flow be regulated and controlled? First, by the prevention of floods. The necessity for protection from and the prevention of floods lies right at the foundation of any broad policy for maintaining permanently navigable channels in our rivers.

And how are floods to be prevented? We can make use of the natural reservoirs which nature has afforded for the absorption of the waters that fall from the heavens, and we can create artificial reservoirs for the storage of flood waters.

#### ENORMOUS ANNUAL DAMAGE BY FLOOD.

Now, what are the natural reservoirs of waters? Clearly, they are the forests and the agricultural lands which absorb the rainfall and the melting snows. Our aim should be to everywhere increase the porosity and absorbent properties of the soil, so that it will absorb as much as possible of the waters that fall from the heavens and thus prevent the precipitate run-offs which swell our streams and navigable rivers into great floods, hurling destruction along their pathways and inflicting an annual damage upon property which it is estimated aggregates the stupendous sum of nearly \$200,000,000 every year in the United States.

The forests are the first natural reservoirs to be considered, for whilst there may be a question of doubt as to whether or not the denudation of the forests, the destruction of forest growth, will diminish rainfall, there can be no doubt whatever that the destruction of forest growth will diminish the absorption of falling waters by the soil.

#### FLOODS CAUSED BY DEFORESTATION.

The reports of the Geological Survey and of other scientific agencies of the Government, selections from which I shall ask the privilege of inserting in my speech, show clearly that wherever there has been a destruction of forest growth there follows immediately a hardening of the surface, the erosion of the soil, and the rapid run-off which carries the soil and the silt and the material from the mountains and hillside slopes down into the channels of the navigable rivers, so that the preservation of the forests upon these great watersheds, not only the watersheds of the navigable rivers themselves, but the watersheds of all the source streams, is an essential element in the control of the floods which affect the channels of navigable rivers.

The next thing to consider is the increase of the absorbent properties of the soil itself wherever it is farmed and cultivated. The aid of the Agricultural Department and of its scientific men is demanded in this direction so as to promote such systems of plowing and of cultivation, and of terraced and irrigated fields, as will facilitate the absorption of the moisture falling from the heavens immediately into the ground. In that way we will prevent the washing of the soil into the creeks and streams and finally into the navigable rivers, and thus arrest the constant flow of vast areas of alluvial soil down into the Ohio, the Missouri, and the Mississippi Rivers and finally into the Gulf of Mexico; and also from the Appalachian Mountains and the White Mountains and the Allegheny Mountains down the rivers that flow into all the channels emptying into the bays and sounds on the Atlantic seaboard.

In that manner we will not only perform the work of facilitating the storage of water in the soil by intelligent methods of cultivation and thereby aid in regulating river flow, but we will also prevent the enormous soil waste of the country which is robbing the existing cultivated areas of vast amounts of fertile cultivable soil and depositing it in our navigable rivers and bays and sounds and gulfs.

The next thing to be considered is artificial reservoirs. The people of Pittsburg have recently caused to be made a survey of the watersheds of the Allegheny and Monongahela Rivers, and they have found there many large sites that can be utilized for storage purposes. They are seriously studying the question of constructing these reservoirs with a view to avoiding the destructive floods which at present inflict an annual injury upon Pittsburg, and in the year of the great flood of 1907 caused damage in that city alone amounting to from five to ten million dollars.

#### FLOOD PREVENTION AN INTERSTATE PROBLEM.

And so it is everywhere. Various localities are considering this question of flood destruction and are working at the problem, not only in its local aspects but in its national aspects. The States that are at the lower end of these rivers are beginning to realize that it is the duty of the States above them and of the Nation to see to it that the lower States are not damaged by disastrous sudden run-offs and floods and freshets. They are beginning to see that the question of the regulation and development of these interstate rivers and the control of these flood waters is not a purely local matter attaching to the locality threatened with impairment or destruction. It involves the power of the entire Nation, for these rivers with their sources exist utterly regardless of State lines and the power to be exercised over them ultimately and in the greatest degree is the national power over navigation.

Mr. President, it is true that the main power over these rivers is in the Nation, and that it arises from the power which gives the Nation the control of transportation, the control of interstate commerce, the control of navigation. But that is the only interest which the Nation has in these rivers which gives it power to regulate and control them. Every other interest belongs either to the States or to the inhabitants of the States or to agencies created by the States, and hence it is necessary, if we are to have a full development of these rivers for every useful purpose, to see to it that the Nation is brought into cooperation with the States in the study of the problems involved and in the execution of works relating to the regulation and development of our rivers.

#### STORAGE RESERVOIRS AID NAVIGATION.

Now, Mr. President, the artificial storage of waters accomplishes two purposes. In the arid and the semiarid regions it provides for the impounding of flood waters which are led out over the thirsty lands, adjacent to the rivers, and are there absorbed by the soil and prevented from flowing down below and vexing neighboring States at the period of floods, and they are there held until they gradually seep through the soil back into the rivers themselves. They thus return to the channel in the form of return seepage during the period of drought and low water, when they augment the flow of the river and enlarge the usefulness of its channels for purposes of navigation. So the artificial storage for irrigation of water in the Rocky Mountains, upon rivers which are tributary to the Mississippi and the Missouri; and in the Sierra Nevada Mountains, upon streams which are the sources of rivers that empty into the Pacific Ocean, becomes a question not only involving the neighborhood in the reclamation of arid lands, but involving the entire scheme of river regulation and waterway development below in the interest of flood prevention and of navigation.

#### ELECTRICITY AND WATER-POWER DEVELOPMENT.

Then there is another use to which the stored water can be put, and that is to the development of water power. Electricity is entering more into the daily lives of our people than any other element, and water power is the cheapest method of developing electricity. These rivers descend from mountains and from high levels to lower levels and on their way downward it is possible to collect these flood waters into storage reservoirs so as to make the power available for the development of electricity whilst at the same time performing the great function of preventing flood destruction and of promoting a standard flow in the channels for the purposes of navigation.

Mr. President, if this is the case, if navigation depends upon the regulation of river flow, if the regulation of river flow depends upon the prevention of both high water caused by the floods and low water caused by the droughts, then the storage of water in our forests, and in our soil, and in artificial reservoirs for irrigation, and in artificial reservoirs for the development of water power, all constitute a part of any legitimate scheme for the development of our rivers for navigation, and the Government can undertake each and every one of these incidental questions as a part of the great undertaking of promoting navigation.

#### STATES SHOULD CONTRIBUTE TO COST.

I do not question the power, therefore, of the Nation to enter upon all these works exclusively and regardless of the States, but I favor a system of cooperation between the States and the Nation which will enlist the active interest of the States in these plans and works with a view to enlisting their cooperation in the way of contributions to the cost, inasmuch as they join with all other States in the receipt of benefits.

Mr. President, what have we been doing with reference to the regulation of the flow of rivers? Have we made any progress thus far? For a hundred years we have been improving our rivers. Where can anyone point out to me any well-developed plan for the regulation of river flow? Oh, yes, we have passed bills for dredging channels here and there, taking out the silt and the soil which has been allowed unnecessarily to drift into those channels. We have also provided in places for bank protection by raising the levees so as to prevent the flood from overflowing the adjoining lands, and with a view to maintaining a definite and fixed channel for an otherwise capricious river. We have done that, but we have never entered scientifically upon the question of the regulation of the flow of a river, involving standardizing the flow of that stream by storing the floods when they are likely to be destructive and using those flood waters for beneficial purposes, utilizing not only the natural reservoirs of the country in the shape of the forests and the cultivable soil, but also the artificial reservoirs necessary for the promotion of irrigation and the development of water power.

Incidentally, in connection with this question of river regulation, comes the question of swamp-land reclamation, the antithesis of the irrigation of the arid lands of the remote mountain regions, for just as you have too little water above and you desire to increase the supply of water to the land by artificial storage and irrigation, so below you have too much water, and you seek to avert the destructive floods which prevent the cultivation of vast areas by storing these flood waters above for irrigation and water power, and by erecting levees and providing for the revetment of the banks with a view to harnessing and controlling the rivers in such a way as that they will not promote destruction or interfere with cultivation.

#### AN ADEQUATE FUND MUST BE CREATED.

Mr. President, it being perfectly evident that we ought to enter upon this thing in a broad and comprehensive and scientific way and that we should no longer indulge in the fragmentary legislation that we have indulged in for a hundred years, we must also develop a fund that is equal to sustained effort. What has created the success of the irrigation works and of the Panama Canal enterprise? The creation of a large fund at the very beginning which would operate continuously in the successful advancement of the work. The matter of river regulation and development should not be allowed to rest upon the accidental legislation of a session. We should at the very start declare our purpose to create a fund in which shall be deposited annually at least \$50,000,000 for this work of river regulation alone. We should dedicate that fund to the work under comprehensive plans brought about by the cooperation and coordination of the various scientific bureaus and services of the Government, enlisting all their energies in river regulation, control, and development. We should announce our determination that we intend to go into this enterprise in a big way. That will give heart to the engineers and scientific men who propose to enter upon the work by the assurance that it will be intelligently and diligently prosecuted.

#### CONGRESS IS LAGGING BEHIND PUBLIC OPINION.

Mr. President, one reason why I was disposed to object to the consideration of this bill and to oppose its passage was that I feared if we allowed the people of New England and the people resident in the region of the Appalachian Mountains to get just this one thing that they wanted, namely, the acquisition of these forest lands by the Federal Government, their interest in the general problem which affects the entire Nation would cease. This waterway agitation has been going on for years. Public opinion has been formed upon it. Congress is lagging behind public opinion upon this question.

Waterway associations and congresses and conventions have been meeting throughout the entire country, upon the Pacific coast, in the Mississippi River Valley, in the Missouri River Valley, the upper Mississippi, the Cumberland, and the Ohio. Waterway associations have been meeting on the Atlantic coast. They have presented their resolutions in favor of broad and comprehensive plans and they have shaped the opinion of the country, which sustains them through the utterances of our newspapers and our magazines. Yet Congress has not moved efficiently upon this subject. It is taking it up in sections, or it is taking up a project here and a project there and a project at some other place, all unrelated to each other—the interest of a Senator or a Congressman being in the particular project within the area of his constituency, and that alone.

#### AN UNSCIENTIFIC SYSTEM OF CONSTRUCTION.

So we have had a system of constructing unrelated projects as unscientific as would be the construction of a railroad with 10 miles of rail laid here and 10 miles of rail laid there and a station house built here and a sidetrack there, without connecting them together in such a way as to make them efficient for transportation.

The development of a waterway for transportation requires a work as scientific and related as does the development of a railroad; and yet we have been contented with these sporadic and unrelated projects without plans that would provide for continuous waterways, an inland waterway all the way from Boston down to Florida on the Atlantic coast, including the sounds and bays and gulfs upon that coast and their connection with each other, a waterway along the Gulf coast from Florida to Texas and taking in all the rivers that flow from that Gulf coast; a waterway of the Mississippi River with all its tributary streams, the Cumberland, the Tennessee, the Ohio, the Missouri, and the upper Mississippi, and their tributaries; a waterway of the rivers upon the Pacific coast all the way from their source in the mountains amid the arid lands down to their mouths in the Pacific Ocean—continuous waterways with standardized channels and standardized boats and barges that would make them efficient for transportation.

#### PUBLIC SENTIMENT IS RIPE FOR ACTION.

Public sentiment is ripe upon this question and Congress has lagged behind. Here we have another piece of fragmentary legislation, whose real purpose as it first originated was not the development of navigation at all, but simply the acquisition of forest lands with a view to the protection and development of water power in the States affected.

Having failed in their efforts to prevail upon the United States to go into this work as a matter of water-power development and local forest preservation, they have now fastened upon the interstate-commerce power of the Constitution as the basis of the acquisition of these lands. But in no respect have they provided the machinery to promote and to regulate the commerce of the United States. They utilize the power of the National Government in order to acquire these lands, but they do not seek to meet the national purpose, that purpose being the promotion of commerce between the States. This view would have justified continued opposition upon the part of the friends of waterways for this bill had it not been for the fact that the Senator in charge of the bill and the friends of this measure have given the friends of the waterways of this country definite assurance that they sympathize with them in their views regarding these broader plans, and that the passage of this bill is but a step toward the ultimate goal which we hope to reach.

#### THE COUNTRY IS "EDUCATED UP."

The Senator from Connecticut declared in his comment upon the amendment which I proposed to make to this bill and upon measures which I have heretofore introduced upon the subject of waterway development, that the country is not yet educated up to the measure of the bills which I have had the honor to present. Let me say to the Senator from Connecticut that the country is "educated up," but the Congress is not "educated up." That is the difficulty. We always lag behind public opinion, and perhaps rightly so. Perhaps we ought to wait until we definitely ascertain what the people want before we act, and thus we are justified in being followers of public opinion rather than leaders of public opinion. But I submit to the honorable gentleman that this country is "educated up" to the full measure of the bills which the friends of the waterways have introduced, and that it remains only for Congress to be "educated up."

One of the great difficulties which we have to meet in this question is the disposition of every man to hold on to whatever power he has. Unfortunately, in the development of our constructive policies in this country both relating to public buildings and relating to our waterways the temptation has always been to maintain the individual power of a Senator or Representative in legislation rather than for a broad and comprehensive plan that will put the control of these matters under the direction of science and art and constructive ability.

Mr. President, I have a few words to say with reference to the remarks of the Senator from Ohio [Mr. BURTON]. The Senator from Ohio alludes to this bill as a subterfuge. I have in the past been somewhat inclined to take that view myself. Judged by the history of the bill, this term might well be deserved, for it is only recently that they attached themselves to the interstate-commerce power of the Constitution, which enables the bill to go through as a legislative measure. But I would not be inclined in the light of present events to call it a subterfuge, for I feel assured that the Senators and Representatives who have so ardently supported the bill are now educated up to the requirements of the legislation urged by the friends of full waterway development. So I regard this bill as simply a step in the line of ultimate accomplishment and not as a subterfuge.

#### FORESTS PREVENT EROSION AND FLOODS.

The Senator from Ohio sought to show that the existence of forests did not increase the rainfall. I do not think it is necessary at all to this controversy to consider that question. That may remain a moot question, some scientists ranging themselves upon one side and others upon the other. The question which we have before us is, Do the forests serve efficiently as a means of storing the waters that fall from the heavens, whatever the volume of that water may be? Do they arrest the flow into the streams and rivers? Do they prevent the destructive run-offs that are caused by the waters falling upon a smooth or a hard surface? Do they prevent the erosion of the soil and the rushing of the debris into the swollen waters of the creeks and streams down to the navigable rivers, choking up the channels so necessary for navigation? There can be but one answer as to that. So it seems to me that a proper part of the development of all the rivers for navigation is the regulation and control of the flow of the river by the acquisition and control of these large forested areas—a part of it through ownership, a part of it

through legislation—which will prevent the destructive losses to which I have referred.

**\$50,000,000 A YEAR NEEDED FOR 10 YEARS.**

The Senator alludes to the cost. This work is going to cost a great deal of money. We ought to have \$50,000,000 a year for the next 10 years at least, and probably more, to carry out a great, comprehensive, and effective plan for the regulation—the standardization, so far as that is possible—of the flow of our navigable rivers, which must include all their tributaries and source streams. We ought to contemplate an expenditure of \$500,000,000 within the next 10 years for that great national purpose.

And why should we not? We have been spending \$50,000,000 a year upon the Panama Canal, which will have been completed within a little more than 10 years from the time it was inaugurated. It will cost nearly \$500,000,000. Can anyone pretend that that work is one of greater value than that contemplated in harnessing the rivers of the country and controlling them for the purposes of navigation, controlling them with a view to preventing the great flood destruction which to-day aggregates nearly \$200,000,000 per annum?

Will anyone compare the beneficence created by the completion of the Panama Canal with that which will be accomplished by the development of our navigable rivers within the next 10 years by an expenditure of \$50,000,000 annually? Why should we not assume that cost in view of our large expenditures upon the Panama Canal? Why should we not undertake that cost, when we reflect that to-day nearly \$400,000,000 annually is being spent, either as the result of wars that have already passed or for protection against war in the future?

If we can spend \$400,000,000 annually in matters regarding war, can we not spend \$50,000,000 annually in the works of peace? Can we not devote the cost of at least three or four Dreadnoughts annually to the great work of internal improvement and internal development?

I submit to the Senator from Ohio—and I am sorry he is not here—that his course, in my judgment, is not guided by the highest wisdom with reference to this matter. The Senator was for many years the honored chairman of the Rivers and Harbors Committee of the House. He was there all-powerful because of his great knowledge and his great industry and his high capacity. But he was chairman of the Rivers and Harbors Committee at a time when the effort was to prevent river development, not to promote it, and he has taken up so much time and has expended so much energy in applying his hand to the brakes that it is almost impossible for him to furnish any of the motive power that is essential in this great forward movement for river regulation and improvement.

**COUNTRY NOW DEMANDS CONSTRUCTION—NOT INVESTIGATION.**

The Senator from Ohio is of immense value to the country in all merely cautionary matters, but his advice should not be taken when he opposes a great and much-needed constructive measure.

It is true the Senator from Ohio joined with me in a report of the Inland Waterway Commission some years ago, in which we unanimously urged the policy which I am advocating now, the creation of an ample fund, the cooperation of the scientific services and bureaus of the Government in this work, the cooperation of the States in the apportionment of costs and benefits, and the reclamation of swamp lands, the development of water power, and the protection of forests as incidentals in that great work. Yet instead of aiding us in the creation of a great constructive commission which could undertake this work and carry it out to accomplishment, the Senator's efforts have been expended in creating a legislative commission called the National Waterways Commission, whose sole purpose is not to do but to think. The American people want some kind of an organization that will do. They are of the opinion that Congress has thought long enough upon this subject to enable it to do, and to start now to do the right thing. We have lived through the era of investigation. It has lasted too long. The people are now ready for construction. They are demanding it with no uncertain voice.

And here let me say that whilst I do not question the capacity of any Member of Congress, or any Senator, to serve upon such a commission and to do great and useful work where he gives his entire time and energies to it, I do claim that a Member of this body or a Member of the House of Representatives can not efficiently serve the country as a member of a great commission of that kind and at the same time discharge the usual and accustomed duties that belong to his office here.

**CEASE CONTEMPLATION AND BEGIN ACTION.**

The Senate and the House are overloaded with work. The men on this National Waterways Commission are overloaded

with work. We are now asked to add two years more to the period of their life, two years more to be devoted to contemplation when the country demands action. I trust that the application of the Senator from Ohio, his ability, his knowledge, and his long experience relating to all these questions will not be permitted to serve as a brake to the desire of this body for constructive action. I trust that the Congress of the United States will move on with the vigor and the energy that any large private enterprise would move on with in a great work of this kind.

I am now preparing a bill somewhat different in form from the bills I have heretofore offered for the development of our inland waterways. It recognizes that the primary and fundamentally important question which must first be solved in working out a complete plan for waterway development is the regulation and control of river flow. Until that has been done all other plans for river improvement remain incomplete and inadequate. The volume of water flowing in a river, and the regulation of that flow, is and always must be the basis and foundation upon which all plans for river improvement and utilization must be built.

The bill brings together for effective cooperation—for team work—the scientific and constructive services and bureaus of the Federal Government that relate to water in their work, and also provides for enlisting the cooperation of the States, municipalities, districts, and other local agencies with the Nation.

The bill eliminates any apparent conflict of authority or power between the Nation and the States by bringing them into complete cooperation and coordination, each within its own jurisdiction and unquestioned constitutional authority and power.

The bill will actually accomplish the things that are aimed at, but which will not be adequately accomplished by the bill now pending before the Senate. It will bring a full realization instead of disappointment to the hopes of those who have for 10 years worked for national forests in the East.

It will regulate and practically standardize the flow of the great navigable rivers of the country—the Ohio, the Missouri, the Mississippi, the Columbia, the Colorado, and the Sacramento, and their tributaries.

In doing so, and as a means to that end, it will protect from destructive floods the cities and communities, the farms and plantations that line their banks.

It will, by the storage of the flood waters in surface reservoirs and in the ground, control for beneficial use the floods that now cause such appalling waste and destruction. That use will include water power and fertilizing and irrigating farm lands for crop production, thus reducing the cost of living by enormously increasing food production.

It will save the country the enormous annual losses from forest fires that now devastate and denude our mountains and hillside slopes and dry up the sources of water for our rivers.

It will provide a way to completely accomplish the reclamation of all arid or semiarid and all swamp and overflow lands by building irrigation and drainage works that will directly influence and regulate the flow and navigability of our rivers.

The fact undoubtedly is that the problems of forestry, irrigation, drainage, flood protection, water-power development, and enlarged food production by the intensive cultivation of small farms are but parts of one great whole, which is the conservation and regulation of the water supplies of the country, which are the sources of the waters flowing in our navigable rivers and necessary to navigation.

It is therefore essential to any complete and adequate solution of the great problem of maintaining a navigable stage of water at all times in our navigable rivers that all these interrelated and indivisible questions should be considered together in making plans for river regulation.

The bill I am referring to and which I propose to introduce, will accomplish that object. That is its purpose. It is almost ready now, and I shall ask to insert it in my remarks.

I shall also ask to insert certain data and extracts from public documents and other publications relating to these questions of river regulation and control for waterway development.

The PRESIDENT pro tempore. The Chair hears no objection to the request and it is granted.

The bill referred to is as follows:

A bill to create a Board of River Regulation and to provide a fund, for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end to provide for flood prevention and protection and for the beneficial use of flood waters and for water storage, and for the protection of watersheds from denudation and erosion and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies.

Be it enacted, etc., That the sum of \$50,000,000 annually for each of the 10 years following the 1st day of July, 1911, is hereby reserved,

set aside, and appropriated, and made available until expended, out of any moneys not otherwise appropriated, as a special fund in the Treasury to be known as the "River Regulation Fund," to be used for the regulation of interstate commerce and in aid thereof for examinations and surveys and for the construction of engineering and other works and projects for the regulation and control of the flow of navigable rivers and their tributaries and source streams, and for the standardization of such flow, and for flood prevention and protection, by the establishment, construction, and maintenance of natural and artificial reservoirs for water storage and control, and by the protection of watersheds from denudation and erosion and from forest fires, and by the maintenance and extension of woodland and other protective cover thereon, and by the reclamation of swamp and overflow lands, and by the building of drainage and irrigation works, and by doing all things necessary to provide for any and all beneficial uses of water that will contribute to its conservation or storage in the ground or in surface reservoirs as an aid to the regulation or control of the flow of rivers, and by acquiring, holding, using, and transferring lands and any other property that may be needed for the aforesaid purposes, and by doing such other things as may be specified in this act or necessary to the accomplishment of the purposes thereof, and by securing the cooperation therein of States, municipalities, and other local agencies, as hereinafter set forth, and for the payment of all expenditures provided for in this act; the purpose of this act being river regulation and the control of the volume of water forming the stage of the river from its sources, so as to standardize the river flow, as contradistinguished from and supplemental to channel improvement as heretofore undertaken and provided for under the various acts commonly known as the river and harbor acts.

#### CREATION AND MEMBERSHIP OF BOARD OF RIVER REGULATION.

SEC. 2. That a board is hereby created to be known as the "Board of River Regulation," consisting of the Chief of Engineers of the United States Army, the Director of the United States Geological Survey, the Forester of the Department of Agriculture, the Director of the Reclamation Service, the Chief of the Bureau of Plant Industry of the Department of Agriculture, the Secretary of the Smithsonian Institution, one civil engineer, one sanitary engineer, and one hydroelectric engineer. The last three shall be appointed by the President and hold office at his pleasure, and they shall each receive an annual compensation of \$7,500, payable out of the appropriation hereinafter apportioned to the Smithsonian Institution. The members of said board, with the exception of the three members appointed by the President, shall serve as such only during their incumbency in their respective and official positions, and any vacancy on the board shall be filled in the same manner as the original appointment. A chairman and a secretary of the board shall be elected annually by the board from its members.

All formal action taken and all expenditures made or authorized by the board shall be reported to the President of the United States, and shall be by him transmitted to Congress annually, or at such more frequent times as may appear to him desirable, or at such times as Congress may require.

#### COOPERATION WITH STATES, MUNICIPALITIES, AND OTHER AGENCIES.

SEC. 3. That the board shall, in all cases where possible and practicable, encourage, promote, and endeavor to secure the cooperation of States, municipalities, public and quasi-public corporations, towns, counties, districts, communities, persons, and associations in the carrying out of the purposes and objects of this act, and in making the investigations and doing all coordinative and constructive work provided for herein; and it shall in each case endeavor to secure the financial cooperation of States and of such local authorities, agencies, and organizations to an extent at least equal in amount to the sum expended by the United States; and it shall negotiate and perfect arrangements and plans for the apportionment of work, cost, and benefits, according to the jurisdiction, powers, rights, and benefits of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as can be properly undertaken by the United States by virtue of its power to regulate interstate and foreign commerce and by reason of its proprietary interest in the public domain, and to the States, municipalities, communities, corporations, and individuals such portion as properly belongs to their jurisdiction, rights, and interests, and with a view to properly apportioning costs and benefits, and with a view to so uniting the plans and works of the United States within its jurisdiction, and of the States and municipalities, respectively, within their jurisdictions, and of corporations, communities, and individuals within their respective powers and rights, as to secure the highest development and utilization of the waterways and water resources of the United States.

The board may receive and use any funds or property donated or subscribed to it or in any way provided for cooperative work, but no moneys shall be expended under any arrangement for cooperation until the funds to be provided by all parties to such arrangement shall have been made available for disbursement.

#### ENCOURAGEMENT OF INDEPENDENT INITIATIVE AND CONSTRUCTION.

SEC. 4. That all things done under this act shall be done with a view not only to constructive cooperation, as herein provided, but also with the definite and specific object of enlarging the field of accomplishment contemplated by the act through promoting and encouraging independent initiative and construction by States, municipalities, districts, and other local agencies and organizations, and creating object lessons and building models and making demonstrations that will have that effect and influence, and induce such supplemental and independent action and construction.

#### CONFERENCE AND COOPERATION OF BUREAUS AND STATES.

SEC. 5. That it shall be the duty of said board to coordinate and bring into conference and cooperation the various scientific and constructive bureaus of the United States with each other and with the representatives of States, municipalities, public and quasi-public corporations, towns, counties, districts, communities, and associations in the carrying out and accomplishment of all the provisions, purposes, and objects of this act.

The board shall have authority to call upon and to bring into cooperation any other Federal department or bureau whose investigations or assistance may be found necessary to the carrying out of the provisions of this act, and the board is hereby authorized to defray the expenses of such investigations or assistance through a transfer of so much of its appropriation as may be necessary to the Federal department or bureau thus brought into cooperation.

#### CORRELATION, COORDINATION, AND ADMINISTRATIVE ECONOMY.

SEC. 6. That the board shall harmonize and unify and bring into correlation and coordination the investigations made, and information, data, and facts collected and obtained by the various bureaus or offices

of the Government relating to or connected with the matters and subjects referred to and the questions involved in this act, and to print, publish, and disseminate the same, and it shall exercise such general supervision as may be necessary to provide against duplication or unnecessary, inadequate, unrelated, or incomplete work in connection therewith, and shall make such recommendations to the President as it may deem advisable at any time for the accomplishment of that end or in the interest of harmonious cooperation, efficiency, and economy in carrying out the purposes of this act. The special function of the board at all times shall be to promote the adoption of the best and most approved methods and systems of investigation, administration, construction, and operation, in carrying out such specific improvements, works, and projects as are authorized by this act, or which may be from time to time authorized by Congress, if within the scope of the work of the said board as herein set forth; and it shall further be the special function of the board to effect the largest possible saving as the result of the unification, correlation, and coordination of the work of the various bureaus in the investigations and administrative and constructive work provided for in this act in accordance with existing law or with such provisions as Congress shall from time to time impose.

#### REPORTS, PLANS, AND ESTIMATES BY THE BOARD.

SEC. 7. That the functions of the board shall be to obtain full information through its members concerning all proposed expenditures provided for within the scope of this act. Each bureau chief member shall report to the board the work proposed by the bureau or organization which he represents, and shall present full plans and estimates covering such proposed construction or action. The findings and conclusions of the board and plans adopted by it for construction and action shall be binding upon the members thereof in so far as may be consistent with existing laws.

#### REFERENCES TO AND INSTRUCTIONS FROM THE PRESIDENT.

SEC. 8. That all matters involving apparent conflict with departmental authority, jurisdiction, or procedure, or as to which the board may desire suggestions or advice, shall be laid before the President, who may thereupon call into conference the Secretaries of the departments represented on said board, and thereafter suitable instructions shall be issued by him to heads of departments with a view to securing unity of action along the lines approved by the President.

#### EXECUTION OF PLANS AND WORK BY THE SEVERAL BUREAUS.

SEC. 9. That in the execution of all plans and duties intrusted or delegated to the several bureaus the respective chiefs thereof, acting under departmental regulations and procedure, shall execute the work according to the methods prescribed by law, the functions of the board being those of a consulting and advisory body with power to make recommendations to the President, and through the President to the heads of departments, with a view to effective coordination and cooperation as to all things proposed by this act, and to carry out such work as Congress shall from time to time prescribe or has prescribed in this act.

#### COMPREHENSIVE PLANS FOR RIVER REGULATION.

SEC. 10. That the board shall develop, formulate, prepare, consider, and determine upon comprehensive plans for the conservation, use, and development of the water and forest resources of the United States in such manner as will best regulate the flow of source streams and navigable rivers, and embracing, with that object, flood protection, drainage, and the reclamation of swamp and overflow lands; water storage in natural and artificial reservoirs; the beneficial use of waters for irrigation and for all domestic, municipal, and industrial purposes; the maintenance and development of underground water supplies and the storage of waters in the ground and in irrigated lands and underground reservoirs; the enlargement of the areas and raising of the levels of the ground waters; the construction of flood-water canals, by-passes, and restraining dams; the control and regulation of drainage and the replenishment of streams by return seepage; the perpetuation of forests and maintenance of woodland cover as sources of stream flow; the prevention of denudation and erosion; the protection of river channels from eroded soil materials; the clarification of streams; the utilization of water power; the prevention of the pollution of streams and rivers; the sanitary disposal of sewage and purification of water supplies; the best distribution of forests, woodlands, and other growth, and of cultivated and irrigated areas in their relation to river flow; the protection of forested and woodland areas from destruction by fire or insects; the reforestation of denuded areas; the planting of forests and establishment of forest plantations; the preservation and planting of woodlands and any other growth and protective cover on watersheds; the increase and development of the porosity and absorbent qualities and storage capacity of the soil upon which rain or snow may fall; the making and furnishing of plans for flood-water storage and other works for irrigation and power for farms, towns, and villages; the acquisition, subdivision, and settlement in small, intensively cultivated farms of lands for water storage by irrigation; the building of the irrigation systems for such lands, including reservoirs, dams, canals, ditches, and all necessary works; the protection of farms, villages, towns, and municipalities from damage by freshets and overflow; and the impounding of flood waters in artificial lakes and storage reservoirs to prevent floods and overflows, erosion of river banks, and breaks in levees, and to regulate the flow of streams and reinforce such flow during drought and low-water periods, the ultimate object of all such work being to regulate and, so far as possible, standardize the flow of navigable rivers and source streams, and in the accomplishment of that object to induce and secure the cooperation of States, municipalities, districts, counties, towns, and other local agencies and organizations.

#### SMITHSONIAN INSTITUTION.

SEC. 11. That it shall be the duty of the Secretary of the Smithsonian Institution to give especial attention to the acquisition from foreign countries and from all sources of all obtainable knowledge concerning the problems involved in the work of the board and to diffuse and disseminate the same, and to establish and maintain a Museum of Conservation in which such knowledge shall be placed before the people, with object lessons illustrating the disastrous consequences that have resulted from the failure of such conservation and particularly the failure to conserve the forest and water resources in other countries of the world, and to utilize the resources of the institution under his charge, which may be available for that purpose, to aid in the education of the public in the elements of knowledge which lead to the successful regulation of water and of the flow of rivers and the use of water in connection with agriculture and the intensive cultivation of land, and in connection with all other industries.

## BUREAU OF PLANT INDUSTRY.

SEC. 12. That it shall be the duty of the Chief of the Bureau of Plant Industry to collate and bring together for the information of the board the results of all investigations with reference to soil and the production of crops through the use of water as a fertilizer and stimulant to plant growth, and of the relation of water in excess or deficiency to successful crop production. He shall recommend for the consideration of the board such further investigations as may properly be conducted in connection with the purposes for which the board is created and which shall lead to the largest and most valuable results being obtained through the use of water in connection with successful plant growth and increased crop production, and the establishment of a national system for the information of the people in the intensive cultivation of small tracts of land, with a view to increasing food production and thereby reducing the cost of living and encouraging suburban and rural settlement and homemaking, and the beneficial use of water in connection therewith.

## FOREST SERVICE.

SEC. 13. That it shall be the duty of the Forester of the Department of Agriculture to present to the board all essential facts bearing upon the relation of forests to the various problems under consideration and the value and importance of forests and woodland and other growth upon the headwaters of streams and their proper control and extension and protection from fire as regulators of stream flow; also such facts as may be essential to the proper enlargement of forested areas for the protection of watersheds and the maintenance of the flow of rivers during the low-water season and the prevention of denudation and erosion, with consequent silting up of channels, and to prepare and present to the board comprehensive plans for the protection of the forests from fire and other destructive agencies.

## GEOLOGICAL SURVEY.

SEC. 14. That it shall be the duty of the Director of the Geological Survey to recommend to the board appropriate surveys and examinations, and upon proper approval cause to be executed topographic surveys of each drainage basin, these being planned with reference to the work contemplated by the board and the immediate demands and needs of the board. Such surveys shall include and show, in addition to the topography, the character of all lands embraced therein, and it shall be his duty to classify the same and designate the best use to which said lands may be devoted in carrying out the provisions of this act. The topographic maps shall be of such scale as will bring out the existence of feasible storage or reservoir sites, and he shall make such additional surveys of specific localities as may be required by the constructing engineers, and in such surveys he shall establish monuments based on geodetic horizontal and vertical control. And the surveys shall be of such nature as to provide adequate bases for geologic investigation and engineering works. He shall also cause measurements to be made of the flow of streams at such places as may be designated by the board as yielding results of largest importance in the discussion of the problems in hand and the execution of proposed engineering works, and shall carry on such studies in river pollution and purification, in water-power possibilities, and other stream investigations as the board may designate. It shall be his further duty to examine all forested lands or lands intended to be afforested or reforested which it is proposed to purchase under this act, and to report upon whether the control and use of such lands will influence the preservation of water supplies or stream flow or tend to regulate the flow of navigable rivers on whose watersheds they are located.

## RECLAMATION SERVICE.

SEC. 15. That it shall be the duty of the Director of the Reclamation Service to bring before the board the results attained in the construction of works of irrigation and reclamation throughout the arid and semiarid regions of the United States and the application of the experience thus obtained to the conditions existing in the more humid sections of the United States. He shall extend the surveys and investigations and construction of irrigation works such as are authorized in the act of June 17, 1902, known as the National Irrigation Act, throughout the United States and including reclamation of land by drainage as well as by irrigation: *Provided, however,* That no part of the fund created by the act of June 17, 1902, shall be expended for this purpose. Such further investigations and construction and operations in States other than those covered by the original act above referred to shall be subject to the terms, provisions, and requirements of the said National Irrigation Act that may be applicable thereto, but shall be at the expense of the River Regulation Fund created by this act, and expenditures from said last-mentioned fund may be made in any State or Territory. He shall construct, operate, and maintain, until otherwise provided by law, such irrigation works and systems as the board may determine are needed for the regulation of the streams and rivers and the improvement of agricultural conditions, or for the proper control, disposition, and utilization of sewage or other waste waters which, without such regulation, would pollute the streams or injuriously affect the health or prosperity of the community. He shall also present to the board proposed plans for cooperation with irrigation or drainage projects or enterprises constructed, initiated, or contemplated by States, districts, municipalities, corporations, associations, or individuals, and shall negotiate agreements for coordinating and making more useful works already in existence or proposed through their incorporation into more effective systems.

## CORPS OF ENGINEERS, UNITED STATES ARMY.

SEC. 16. That the Chief of Engineers of the United States Army shall present to the board all proposed plans for levees, dikes, revetments, bank-protective and drainage works, and other works for river improvement which are proposed to be built under this act, and also all plans for the construction of reservoirs for the storage of flood waters, for flood prevention and river control which may be proposed to be built under this act, or for which examinations and surveys have been made by or with the cooperation of States, municipalities, or districts, and which it is sought to have constructed under this act, together with such facts and data as may be required for the construction of such works, or any of them, for the regulation of the flow of rivers. He shall also construct, operate, and maintain such levees, flood protection and drainage works and reservoirs as are built in accordance with this act for the storage of water to control and regulate the flow of rivers, and to reinforce such flow in seasons of low water and to prevent floods and protect lands and communities from overflow: *Provided, however,* That the provisions of this section shall be so administered as in no way to supersede or conflict with any specific provisions which Congress shall from time to time make by way of appropriations other than such as are made by this act for work and improvements to

be performed or maintained by the Corps of Engineers, United States Army, but that all work prescribed under this section shall be supplemental to and coordinated with the work as specifically prescribed by Congress in other acts.

## ENGINEER APPOINTEES OF THE PRESIDENT.

SEC. 17. That it shall be the duty of the three engineers appointed by the President under the direction of the board to consider and present comprehensive plans for the best utilization of the water resources of the United States in connection with river regulation along their respective lines, namely: Questions relating to general construction work; to water pollution, water purification, health, and sanitation; and to water-power problems; and to adjust all the plans contemplated for the projects constructed under this act to the central controlling purpose of regulating and standardizing the flow of the rivers of the United States, and to further give expert advice to the board in its consideration of details, problems, and projects; and it shall be their special duty to constantly promote and stimulate harmonious and effective cooperation between the Nation and States, municipalities, and other local agencies in working out constructive plans under this act. And it shall further be their special duty to carefully scrutinize and study the plans presented to the board for consideration, with the view of promoting the fullest possible measure of efficiency and economy in administration and construction, and avoiding all duplication in the work of the respective bureaus.

## EQUITABLE APPORTIONMENT AMONG WATERWAY SYSTEMS.

SEC. 18. That in carrying out the provisions of this act regard must be had, as far as practicable, to the equitable apportionment and contemporaneous execution of the works and projects contemplated under this act among the several waterway systems of the United States.

## REFRESHMENT OF RIVER REGULATION FUND BY BOND ISSUE.

SEC. 19. That the President is authorized, whenever the current revenues are insufficient to provide the \$50,000,000 appropriated for the river regulation fund, to make up the deficiency in such fund by the issue and sale of United States bonds, bearing interest at a rate not exceeding 3 per cent per annum, payable semiannually, and running for a period not exceeding 30 years.

## APPROPRIATIONS AND APPORTIONMENT.

SEC. 20. That the moneys hereby annually appropriated in section 1 of this act shall be apportioned and expended by the services and bureaus herein named in carrying out the purposes and provisions of this act and under the direction of the heads of the respective departments and in accordance with existing laws and regulations or such modifications thereof as may be made from time to time in accordance with the general system proposed by the board and approved by the President of the United States, in the following sums annually, which shall be available until expended:

For the Smithsonian Institution, for obtaining information and material relating to the subjects covered by this act in the United States and foreign countries, and publishing and distributing the same to the people of the United States, and for the establishment and maintenance of a Museum of Conservation of Forest and Water Resources, and for any other purposes mentioned or referred to in section 11 of this act, \$1,000,000.

For the Bureau of Plant Industry, for the establishment and maintenance of garden schools and demonstration garden farms, and instruction in irrigation in model rural industrial communities and for investigations and instruction with reference to terracing and methods of cultivation on hillside slopes adapted to preventing erosion, and with reference to the use of water as a fertilizer and stimulant to plant growth, and for the acquisition of lands that may be required for such purposes, and for any other purposes mentioned or referred to in section 12 of this act, \$2,000,000.

For the Geological Survey, for topographic surveys and the measurement of streams and other hydrographic and hydrologic works, and for the examination of lands intended to be purchased under this act, and for any other things required by the board to be done in connection with any investigation or construction done under this act, \$3,000,000.

For the Reclamation Service, for the building of irrigation systems to aid in the regulation of the flow of source streams or navigable rivers through the conservation, utilization, and ground storage of waters in irrigated lands, and for the acquisition and reclamation by irrigation or drainage of specific tracts of lands for intensive cultivation and settlement, and for the building of canals and ditches, and carrying to completion any and all methods of utilizing water for irrigation as a means for river regulation, and for any other purpose mentioned or referred to in section 15 of this act, \$10,000,000.

For the Forest Service (a) for the protection from fire and insect infestation of national forests, where such protection is essential to the preservation and maintenance of water supplies, and for the acquisition of lands within or near existing national forests or other lands which are necessary to the adequate protection of water supplies, and for building the necessary roads, trails, fire lines, fire-protection stations, telephone lines, and for any and all other things required for such fire protection, including the fighting of fires and the employment of forest guards and rangers, \$3,000,000.

(b) For the protection from fire of the forested watersheds of navigable streams, for the organization and maintenance of a system of fire protection on any private or State forest lands situated upon the watershed of a navigable river, in cooperation with any State or group of States, as provided for in an act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of rivers," known as the Appalachian National Forest Act, and also in direct cooperation with cities, counties, towns, villages, and other owners of woodlands and forested areas on watersheds, and wherever essential to the preservation of water supplies and for the protection of such forested watersheds and areas from insect infestation, \$1,000,000.

(c) For the protection, perpetuation, enlargement, maintenance, regulation, and control of water supplies by the establishment and maintenance of forest nurseries, the planting or replanting of forests, the reforestation of denuded areas, the carrying out of silvicultural improvements in the national forests, and the establishment and maintenance of forest plantations and parks and the acquisition of lands therefor to provide instruction in the planting and care of trees and forests for the purpose of awakening and maintaining a local interest in and knowledge of the relation of forests to the preservation of water supplies and stream flow, \$1,000,000.

(d) For the acquisition of forest lands by and through the National Forest Reservation Commission as and in the manner provided for in

the Appalachian National Forest Act above referred to, subject to all the conditions and requirements contained in said act, \$5,000,000.

*Provided*, That the provisions of the said Appalachian National Forest Act shall, after the expiration thereof by limitation, still continue and be in force with reference to all moneys made available for expenditure thereunder by this act, either for fire protection or for the acquisition of forest lands.

For the Corps of Engineers, United States Army, for building and maintaining revetments, dikes, walls, levees, embankments, gates, wasteways, by-passes, flood-water canals, restraining dams, impounding basins, and bank-protective works for river regulation, and, as a means to that end, the building of works for reclamation, drainage, and flood protection, and for building reservoirs and artificial lakes and basins for the storage of flood waters to prevent and protect against floods and overflows, erosion of river banks, and breaks in levees, and to regulate the flow of source streams and navigable rivers, and reinforce such flow during drought and low-water periods, and for the operation and maintenance of the same, \$24,000,000.

Mr. BRANDEGEE. Mr. President, I was about to ask if we could not now agree upon an hour at which the vote might be taken; but I do not see the Senator from Ohio [Mr. BURTON], and I shall wait until he enters the Chamber.

Mr. SIMMONS. Mr. President, I am very reluctant at this late hour in the evening to inflict a speech upon the Senate, but the importance of this question and the great interest of my State and the section from which I come, as well as the country at large, in this bill impel me, notwithstanding the evident desire of the Senate to reach a vote, to ask its indulgence. I promise to be as brief as possible.

In connection with the nation-wide movement for the conservation of our natural resources, it has been said, and I think truthfully, that no measure which has been evolved out of this agitation and presented in concrete form to the country is of equal importance with the measure now under consideration. In fact, I doubt whether there is any measure of any kind now pending before Congress or the country which has received such universal approval from public men, from great commercial, educational, political, and scientific associations, and educational, technical, and scientific periodicals and journals as has this measure. Most of the leading journals and great organizations of the country, such as the National Conservation Congress, the American Society of Civil Engineers, and so forth, have indorsed this bill in specific terms, showing not only the general approval of the project, but of this bill as a fit instrument for carrying it into effect. Not only this, but many State legislatures have given it their specific indorsement, while the remarkable spectacle was presented in the hearings before the House of governors of great States appearing to give personal testimony in its behalf.

The opposition to the measure, as compared with the approval it has received, is almost negligible. Even Col. Chittenden, of the Corps of Army Engineers, who has written a lengthy and exhaustive paper which is supposed to represent the opposition views in the strongest light, whose paper was largely relied upon by the minority of the House committee in their report against the bill and which has been extensively quoted by the Senator from Ohio [Mr. BURTON] in his elaborate and able argument against the bill to-day, in a footnote to his paper which I find printed in the Transactions of the American Society of Civil Engineers, volume 62, page 505, shows that, whatever may be his views with respect to forestation, upon rainfall and the flow of water under certain conditions he does not doubt either the authority of Congress to enact this legislation or its wisdom. Here is what Col. Chittenden says in the footnote to which I have referred:

The writer is glad to note a desire on the part of Congress to enter upon this work on broad lines, without restricting it to any particular section of the country. The Weeks bill, favorably reported on January 26, is a step in the right direction. It is to be hoped that this, or some equally comprehensive measure, will become a law.

Mr. President, if Congress has not the authority to pass this measure, and if it is not a wise measure, then it would seem that out of all this agitation for the conservation of our natural resources but little of practical value can be expected through the National Government.

I do not believe myself that the powers of the Government are so limited that we can not do this most necessary thing in the work of conserving our natural resources; nor do I believe that the judgment of the Nation, after mature discussion of a practical proposition like this, is so unreliable that Congress can not safely rely upon the practically universal verdict of the people.

This measure involves three propositions: First, it authorizes and empowers the States to enter into contracts with each other to protect the watersheds of navigable streams; second, it appropriates \$200,000 to enable the Secretary of Agriculture to cooperate with the States and individual landowners to provide adequate fire protection upon the watersheds of navigable streams; and, finally, it provides for the acquisition by the Gov-

ernment, under certain conditions, of land constituting the watersheds of navigable streams.

Nobody, so far as I have heard, objects to the first two propositions. The objection is to the last proposition, and it is based upon two grounds: First, that it embarks the Government upon a new and untried policy that will probably ultimately involve a very large expenditure of money; second, that the Government has no constitutional power to purchase land for forest reserves, unless the control of such lands is necessary to promote or protect navigation, and that forestation has no connection with navigation.

Mr. President, I want to direct my attention briefly, first, to the discussion of the first objection. It is an objection that has been made every time this bill has been before the Senate. The bill has been before us three times, I believe, and three several times we have passed it; once, I think, unanimously, but always by a large majority.

The first time this bill was here there was considerable discussion; but as I now recall, Mr. President, at that time the only objection made against the bill was that it embarked the Government upon a new policy. At that time nobody questioned its constitutionality, so far as I recall. Certainly nobody then pressed the argument before Congress that it would be an unconstitutional exercise of power. That argument seems to be only of recent origin.

Mr. President, upon the question of whether this is a new policy, and whether it is or is not true that the Government ought to embark upon the purchase of lands for the establishment of reserves for the purpose of protecting navigation or for any other purpose, I want to call the attention of the Senate to the fact that during the last two decades—I think I will be safe in saying two—during the last 20 years the Government has established somewhere between 40 and 50 national forest reserves. I do not know the exact number. These reserves are located, I think, in about 15 different States. They comprise altogether about 165,000,000 acres. The smallest one of them, I think, is 14,000 acres and the largest one about 3,000,000 acres. Of these forty-odd forest reservations that have been established within this short period of years, with the exception of three small reserves—one, I think, in the State of Michigan and two in the State of Florida—every one of them is located west of the Mississippi River.

The establishment of these numerous reservations embracing this enormous area would ordinarily be accepted as an answer to the argument that this bill proposes to embark the Government upon a new and untried policy; and it would be, I take it, so accepted in this case but for the fact that the lands out of which these western reserves were established were carved out of the national domain, while it is proposed in this bill that the Government shall go into the open market and purchase the lands required. I concede, Mr. President, that there is a distinction between the proposition involved in the establishment of the western forest reserves and the one involved in this bill, but when you get at the marrow of the matter it is a distinction largely without a difference. In one case the Government has appropriated the property of the people to the purposes of forest reservations, and in the other it is proposed that the money of the people shall be appropriated for that purpose. The 165,000,000 acres which go to constitute the forty-odd western forest reserves belong to the people of this country. If the Government had not sequestered them into forest reservations they would have been put upon the open market and sold, and the proceeds arising therefrom would have gone into the Treasury and formed a part of the general assets of the Government in which all the people would have been interested. What is the difference in withholding this money of the people from the Treasury for the purpose of establishing parks and taking the people's money out of the Treasury for the purpose of establishing parks? In principle there would seem to be no difference.

I do not know how much money has been withdrawn from the Treasury by the sequestration of this enormous amount of land, but I am told by a scientist, who is connected with one of the departments and who has knowledge of the matter, that the lands thus set aside by the Government for forest reserves and parks, including all the assets in connection with them, represent a money value to-day of probably \$2,000,000,000. Whatever the value of this property may actually be, it represents the value of an investment in forest reserves which is the property of the people of the United States.

Mr. President, what was the purpose of the establishment of these reserves by the Government? Partly the conservation of timber supply, partly the conservation of water power, and partly the protection of the navigability of streams—the identical purposes for which the people of the East, the Appa-

lachian and White Mountain sections, now appeal to the Government for aid in doing what they can not themselves do.

In the establishment of these western parks the Government acted in anticipation of a condition which has already become a reality in the section of the country to which this bill applies, and therefore there is the same motive for action on the part of the Government, while the justification is stronger for it, as it is based upon an actual instead of an anticipated condition.

The Senator from Ohio [Mr. BURTON] in his speech argued that once the Government is committed to the policy of this bill the doors of the Treasury would be open to an enormous expenditure of money. Mr. President, the commission created by this bill can not spend for this purpose one cent more than is now appropriated. When that amount is expended I take it that unless the results justify it there will be no further appropriation. If the results do justify it, there will be further appropriation, and if the results attained continue to justify these expenditures they will go on as long as the sentiment of the people is behind this method of protecting and conserving the natural resources of the country from destruction and exploitation. No additional money will be spent for this purpose unless it is warranted by results and continued public approval.

Sir, I am against extravagance, but I do not regard large expenditures for those things for which money should be liberally spent and which are in the interest of the people, which help to promote commerce or to conserve the great resources of the country as extravagance; on the other hand, I think it is wise economy. It is as wise economy as money liberally spent in the improvement of our highways and the development of our waterways.

So, Mr. President, I submit that the setting aside of these lands for forest reserves and park purposes and the appropriation annually out of the Treasury of moneys for their management have already established a policy on the part of this Government along these lines; and the friends of the measure now under consideration insist that this measure is not in fact committing the Government to a new policy, but simply a modification of the policy already established, which will extend the benefits of that policy to other eastern portions of the country where these benefits are greatly needed.

This modification and extension of the policy already adopted are, in my judgment, eminently proper and wise, and the sooner the modification and extension are entered upon the better for the country at large.

There is hardly a European Government, Mr. President, which has not realized the importance and necessity of bringing its mountain forests under government control and ownership. In a number of European countries, notably France and Italy, where deforestation has resulted in the destruction of immense tracts of agricultural lands, impoverishing a great number of farmers and peasants, the Government has entered upon the more costly and the more difficult scheme of reforestation.

I shall not discuss that feature of the subject further than to say that in the last 30 years France has spent more than \$40,000,000 in an attempt to restore conditions to where they were before the mountain side deforestation began, and Italy, comparatively a poor country, has spent more than \$12,000,000 in attempting the same thing in order to save the valley lands that are being destroyed by reason of the deforestation of her mountains.

Now, what are the great national purposes to be subserved by the creation of the forest reserves as authorized by the bill under consideration?

Many of the friends of this movement are interested in the proposed forest reserves because they are interested in perpetuating the scenic beauty of this country as it exists in the White Mountain and Appalachian regions.

Others are interested in these reserves because they expect them to become the great health resorts and recreation grounds where the sick, or the nervous, or the tired among the millions of our people living east of the Mississippi River will find new health and new vigor and new strength for their work as citizens of the Nation, since every year the strain and intensity of the life of the individual citizen is increasing and the need for recreation becoming greater.

Other friends of this movement have been pushing it because it represented to them the only possibility of maintaining a hardwood timber supply to meet the increasing needs of the country; and still others are interested in this movement because of its recognized importance in connection with the perpetuation of the available water powers on streams having their sources in the White Mountains and the Appalachian Mountains. The New England States and the States bordering the Appalachian Mountains on the east have no supplies of coal from which to develop power for manufacturing purposes.

Their factories are, therefore, largely dependent upon the development and perpetuation of water powers.

In all the Eastern States water power is an important industrial asset, and usually the more available of these water powers are in States other than those in which lie the important sources of these streams. On the streams having headwaters in the White Mountain and Appalachian regions the power already developed represents an annual asset of from two and one-half to more than three million dollars and operates manufacturing enterprises valued at more than \$30,000,000.

The remaining undeveloped or partially developed water powers on the streams having their sources in these regions would represent an annual asset of more than \$20,000,000 additional, and would operate manufacturing plants having a value approximating \$300,000,000. The engineers, as well as the manufacturers, recognize the fact that the preservation of the forests about the headwaters of these streams is absolutely essential to the perpetuation of these water powers.

Still others of the friends of this movement are interested in it because they believe that the preservation and the improvement of these forests is one of the necessary steps, among the others to be adopted, looking to the lessening of the flood damages which are of late becoming more and more frequent and which are reaching larger and larger financial figures.

I say, Mr. President, some are interested in this bill for reasons connected with the preservation of the scenic beauty of our mountains, some for reasons connected with their preservation as health resorts, and some for reasons connected with the conservation of water power. The right of the Government to control lands for these purposes is subject to serious question, and we do not demand this legislation upon any of these grounds, but upon the ground that it is necessary to control these lands in order to protect the navigability of navigable streams, a subject over which the Government has undoubted control, but, if from the exercise of this constitutional power these other results incidentally flow, their importance may reasonably be urged upon the consideration of Congress in determining the question of whether it will exercise that power.

Congress can not, of course, act without power, but Congress may, and does, and always will, in the exercise of its constitutional functions, consider the incidental as well as the direct benefits to the people and the country which will reasonably result from that exercise of power.

Nearly 10 years ago I made a personal and careful investigation of conditions in the Southern Appalachian region in western North Carolina. During a comparatively recent period that region was but sparsely settled, and its settlements were confined largely to the valleys.

The advent of railroads in this section has brought about a change in these conditions. The population has greatly increased and is rapidly increasing. The valley lands have nearly all been cleared and brought into cultivation; the farmer and the lumberman have begun to encroach upon the mountain sides in search of more land and timber. It is estimated that now 24 per cent of the lands in this area have been either cleared for agricultural purposes or denuded of timber. As a result of this deforestation already the effects are beginning to be seen and seriously felt.

I have traveled several hundred miles, partly by private conveyance, across these mountains and through these valleys. All along the route, here and there, far up on the mountain sides, with slopes ranging from 20 to 40 degrees, often so steep that cultivation was limited to the hoe, there were farm clearings. Everywhere on these slopes and in the mountain coves was the debris of the lumberman or of the bark hunter—for the bark hunter in that section has been about as destructive to the timber interests as the lumberman himself.

Some of these mountain-side farms were in cultivation, but many of them had been abandoned as worthless, and stood there barren and bleak, furnishing a water slope filled with gulleys and gorges, too poor for further cultivation, too poor and being washed away too rapidly to permit of its reproducing forest growth. The agricultural life of one of these clearings is, under varying conditions, from three to 10 years. In that time the fertility of the soil has all been leached away, and it has become worthless and been abandoned.

Some years ago I stood upon Whiteside Mountain, one of the finest summits in the southern Appalachian region. It rises nearly 2,000 feet from the valley below. From the summit of this mountain I saw on the slopes of the nearest mountains about 25 of these mountain-side farms. Only about half a dozen of them, however, were in cultivation. Most of the balance had been worn out and abandoned, and stood there desolate and bare, as they will probably stand until the end of time. The valleys through which I traveled were fertile, but the floods

of that year had washed away the surface soil of many of those farms, rendering them almost valueless; and in other instances these rich bottoms were covered with a white sand, as dry and lifeless as the sands of the desert, the deposit of the floods. At one place I passed, while on this trip, for nearly a mile down the valley of the Catawba, and on either side of this stream at this point the valley was covered with a sand bank from 3 to 7 feet deep.

I was told before the flood which left this deposit these valley lands were worth \$100 an acre. After the flood they were not worth 100 cents. In one of the near-by counties to the section I visited the very freshest which had deposited this sand bank in the rich valley of the Catawba had left hundreds of people desolate, had swept away their stock, their fences, their houses, and destroyed their crops. In another county a later flood came near sweeping away the whole town of Marshall.

The damage done to agricultural lands and other property along the streams rising in the southern Appalachian region by floods in the summer of 1901 is estimated by the Secretary of Agriculture to have been not less than \$10,000,000. Along one river in North Carolina, the Catawba, to which I have before referred, bridges, mills, crops, and farm lands for 200 miles, valued at \$1,500,000, were swept away by the storms of May and August, 1901.

In one valley in Mitchell County, to which I have before referred in general terms, a valley largely cleared of forests, the storm of May, 1901, wrought damages estimated at more than \$500,000. The damage to the property of the Southern Railway, which penetrates these mountains in various directions, by these storms during a single year was estimated 10 years ago at more than \$1,000,000, while its loss in traffic was also large. It is estimated by competent authority that the total damages of all kinds along these mountain streams during a single year following April, 1901, was \$18,000,000. I give below a detailed statement of this estimate, which will show how widespread and extensive were these damages, affecting the people of more than half a dozen States. These estimates have been made with great care by men who are familiar with each of these regions and who have investigated this matter with considerable thoroughness.

*Storm damages on streams rising in the proposed Appalachian Forest Reserve between April, 1901, and April, 1902.*

Kanawha, adjacent streams (in Virginia and West Virginia).....	\$1,500,000
Roanoke, James, etc. (in Virginia).....	1,000,000
Watauga (in North Carolina and Tennessee).....	2,000,000
Nolichucky (in North Carolina and Tennessee).....	2,000,000
French Broad (in North Carolina and Tennessee).....	1,500,000
Tuckasegee and Hiwassee.....	1,500,000
Broad, Saluda, and Catawba (in South Carolina).....	1,000,000
Yadkin, Dan, and Roanoke (in North Carolina).....	1,000,000
Catawba (in North Carolina).....	2,000,000
Savannah and Chattahoochee (in Georgia).....	1,500,000
Coosa (in Georgia and Alabama).....	2,000,000
Tennessee and other tributaries.....	1,000,000
Total.....	18,000,000

Both tradition and records show that there have been storms in this southern Appalachian region at intervals during the past 100 years perhaps as violent as those which occur now, but never before have such floods and such damages resulted. During the past few decades, and even during the past few years, the floods have been increasing in violence and destructiveness, and almost in proportion as the forest destruction has progressed; and these have been greater in those regions where the cleared land was in largest proportion.

As this deforestation progresses, as it will progress with the increase of population and the lumbering in this section, the loss from these floods will also increase. The fact that these disastrous floods are the direct result of deforestation is supported both by theory and ample and indisputable data. Until recent years no such results have followed even the heaviest and longest continued rainfall.

In the city of Pittsburgh a single flood during 1907 resulted in a loss in that city alone of more than \$8,000,000. The following table, taken from the report of the National Conservation Commission, shows something of the aggregate of the damages resulting from floods throughout the United States:

*Estimated total damages caused by floods in the United States during the years 1900 to 1908.*

1900.....	\$45,675,000
1901.....	45,438,000
1902.....	55,201,000
1903.....	97,220,000
1904.....	78,841,000
1905.....	98,589,720
1906.....	73,124,000
1907.....	118,238,000
1908.....	237,860,000

And yet, Mr. President, in the face of these facts it is gravely contended by the authorities cited to support the views of the opposition to this measure that there have been no more floods in recent than in former years. If there had been no greater floods there would have been no greater damage from floods.

It is said that, admitting the necessity from the standpoint of conservation of timber supply and water power of a measure of this character, there is no constitutional power for Congress to appropriate money to buy lands for these purposes.

While not conceding this proposition I shall not contest it, because it is not necessary to sustain the proposed legislation.

There can be no question about the proposition that under its constitutional powers over navigation the Federal Government may appropriate money for the purchase of lands and forest reserves in a State, provided it is shown that the control of such lands will promote or protect the navigation of streams on whose waters they lie.

To meet this requirement of the law the present bill expressly prohibits the purchase of any lands by the board it creates until they have been examined and located by the Secretary of Agriculture, with the aid of the experts of his department, and until the Geological Survey with its experts have examined and reported that the control of the lands proposed for purchase is necessary to promote or protect the navigability of rivers lying on them.

So that before action can be taken by the board this question of fact upon which the constitutional power of the Government rests must be affirmatively found and reported. I think there need be no apprehension under these circumstances of the Constitution suffering any violence by the passage of this legislation.

The Constitution is an admirable thing, but when it is used as a bugbear to defeat what the people demand and what the highest public interest requires, it is put to a use never contemplated by its framers, and which will not be sanctioned by the people.

It is contended by the Senator from Ohio [Mr. BURTON] that the Army engineers, instead of the Geological Survey, should be vested with the power of determining this fact, and he will submit an amendment to the bill, as I understand, to substitute the Army engineers for the Geological Survey.

Mr. President, I am not prepared to admit, as the Senator from Ohio contends, that the Army engineers are any more competent, if indeed they are as competent, to pass upon this question as the Geological Survey. What connection have the Army engineers with the question of the effect of forestation upon rainfall, the effect of forestation upon the regularity of the flow of streams, the effect of forestation upon land erosion? Their activities in connection with our river and harbor work is confined, as the Senator from New Hampshire [Mr. GALLINGER] has aptly said, to the intermediate stretches of our waterways. They begin at those points where navigation begins.

In the first instance, they investigate, under the order of survey in our river and harbor bills, the question whether the stream is capable of being made navigable, and whether the commerce upon that stream is sufficient to justify the Government in making the expenditure. Then, after the appropriation is made, their duties are connected with dredging, jettying, and other means known to science for improving the navigation of streams. They have no direct connection, by virtue of their duties in connection with river and harbor work, with the higher ranges of these rivers, the sources of these rivers; but, on the other hand, the Department of Agriculture—and this bill provides that no land shall be bought until the Secretary of Agriculture has examined and mapped and located it—and the Geological Survey have been dealing for years directly with the very problems involved in this inquiry.

Sir, in the last few years we have placed upon our agricultural bills appropriations to enable the Secretary of Agriculture to thoroughly study, examine, and survey the headwaters of the streams rising in the Appalachian and White Mountains, and he has been employing under him a large force of experts whose training and education especially qualify them, in order to determine these very questions.

On the other hand, the Geological Survey deals largely with questions of this character. They study the topography of the country, the geology of the country, the effect of water upon soils, and they are especially qualified, I take it, by reason of the line of work which they are required to perform, to pass upon and determine this very class of questions.

The question of fact thus raised and upon which the power of the Government to pass this legislation depends may be discussed under three general propositions.

First, that a forest cover is of great value in retarding runoff, and in mountain regions contributes more directly and in a

more beneficial manner to the underground waters than any other single agency.

No one who has actually made a comparative study on the ground in the Appalachian Mountain region of the water conditions on forested and cleared areas would doubt the beneficial influence of the forest cover in regulating the flow of water. I have myself examined certain cleared areas on these mountain slopes on which the small stream beds were dry and the springs which had once fed them had disappeared, while on the adjacent areas, apparently similar in every other respect except that they were still under forest cover, the springs were still present and small clear streams of water were running steadily from them.

The following experiment in Switzerland throws definite light upon this subject, and is the only actual experiment of the kind, with accompanying accurate measurements, of which I have been able to find a record:

The Swiss Government, in order to settle once for all the question of the relation of forest cover to stream flow, inaugurated 11 years ago an experiment which is considered the most scientifically arranged experiment that has ever been undertaken in any country.

Two small streams were chosen in the famous valley of the river Emme for observation. Small streams were purposely chosen in order to eliminate many counteracting factors which are found in large drainage basins. One of these streams has a drainage basin nearly completely wooded—98 per cent—and the other drains an area only partially wooded—30 per cent. In every other respect the drainage basins are as similar as could be possibly found, and every precaution was taken to make the measurements as thorough and accurate as possible.

The results of these observations have shown that run-off from the forested drainage area within a given period after a rain is 40 per cent less than from the deforested area; that the flow of water in the stream in the forested basin is more regular throughout the year than in the stream that flows through the denuded area. It has been computed that the highest water level in the stream of the forested basin is at least from 30 to 50 per cent less than in the unforested region. On the other hand, the water stage in the spring and summer during the flowing through the forested area is never as low as that in the stream which drains the partially wooded area. While the latter in exceptionally dry summers entirely dries out in its lower stretches, the former maintains a flow of water throughout the entire summer.

A point, however, which is of the greatest moment is this: The forest performs its beneficial function of equalizing the flow throughout the year and dry and wet periods without diminishing the total yearly run-off. Many engineers and foresters, while recognizing the equalizing function of the forest, were often inclined to believe that the total amount of water during the whole year that comes from wooded watersheds is less than the amount supplied by bare watersheds. The results at the Swiss experiment station do not bear out this assumption, and while the behavior of the two streams is different, the amount of water which flows through them during the entire year is about the same.

A German investigator of high standing places the amount which the forest cover saves to the soil by reducing the surface run-off and changing it to underground seepage, for forests at lower altitudes where the rains are not heavy and the soil is less subject to freezing, at 20 per cent; for forests of moderate altitudes, at 35 per cent; and in mountain forests, at 50 per cent of the precipitation. Measurements of the surface run-off, carried on in 1860 by Jeandel, Contequill and Ballard in the Vosges, have shown that the surface run-off from wooded slopes is nearly two times less than that from deforested slopes, while the underground seepage is greater and the flow of the streams more regular than from the deforested slopes.

The second proposition, that a forested watershed tends to maintain longer average of conditions of flow, rests upon its influence in reducing the tendency toward extremely low waters on one hand and extremely high waters on the other. There are many cases which prove this proposition to be true in the United States; no case that proves the contrary. Especially it is true for those streams whose headwaters are chiefly in the uplands. The clearest proof of it is the fact that where the mountain watersheds of streams have been cleared of forest at a rapid rate, the tendency has been strongly toward increased floods and prolonging low waters. This is especially true on the larger streams of the southern Appalachians; for instance, on the Cumberland River, where accurate records have been kept during the past 18 years. During the first half of that period there were 32 floods; during the second half, 43. The number of days of flood during the first half was 89; during the second half, 102. Again, on the Savannah River, where

records have been kept for 18 years, we find that during the first half of the period the number of floods was 47; during the second half, 58. The number of days of flood during the first half was 116; during the second half, 170. Other streams of the Southern Appalachians tell the same story, but I would refer to only one other case, that of the Tennessee River.

Mr. M. O. Leighton, chief hydrographer of the United States Geological Survey, has during the past year made an elaborate study of the floods in the Tennessee River. In this study Mr. Leighton has isolated, so far as possible, the days of rainstorm of sufficient magnitude to produce floods, and on this basis has made a comparison of the floods of the two halves of the period. Although the number of days of flood was less during the last half of the period than during the first half, Mr. Leighton shows that the precipitation decreased in an even greater degree. The results of this close analysis show that the diminution of the precipitation has been more than sufficient to account for the diminution of the floods. The natural result is that in proportion to the rainfall floods have increased, the percentage of increase being 18.75 in the last half of the period as compared with the first half. This study is undoubtedly the most complete and authoritative that has ever been made of any American river, and it seems conclusive.

I want especially to call attention of the Senate in connection with these tests and measurements to the testimony of Dr. Van Hise, of the University of Michigan, recognized as one of the best authorities in this country; in fact, Chairman SCOTT, of the House Committee, though earnestly opposed to this legislation, admitted that Dr. Van Hise was an eminent authority and expert upon this subject.

Dr. Van Hise, in speaking of these tests of Mr. Leighton on the Tennessee River, characterized them as the best and most reliable that had been made in this country, and as conclusively demonstrating the effect of forestation upon waterflow.

It will not be denied that probably more than any other stream that has been under examination the watershed of the Tennessee River has been extensively denuded of its forest, and that the low-water periods of that stream in 10 years has increased nearly 20 per cent.

Mr. President, in connection with this question of navigation, the low-water stage is probably a more important factor than the high-water stage. The question is, how to maintain a sufficient reserve of water to maintain the navigability of the stream during the low water of the summer months, when there is but very little rainfall, and that is the chief question in protecting the navigability of streams. Now, I have a stream in my own State that illustrates this matter admirably.

Eighty years ago the city of Fayetteville, which is about 115 miles in the interior, located upon the Cape Fear River, was the common distribution point of our coastwise and our West Indian commerce, by means of the Cape Fear River. There was up to that town at that time, when the watersheds were covered with forests (and that river rises in the hill country of North Carolina), during the whole year, during the dry months as well as the wet months, a governing depth of 5½ feet of water.

The forests at the headwaters of this stream during these 80 years have been cleared, and now, for the past 10 years, the governing depth during five months in the summer in that stream is only between 18 and 20 inches.

Engineers who have recently, under the authority of the river and harbor bill, made a survey for the purpose of ascertaining how much it would cost to restore the depth of that river to its depth 80 years ago, have reported, and the Congress has acted upon that report, that it would cost \$615,000 to do it, and the Government at this cost is now engaged in this work of restoration.

In further answer to the contention of the opponents of this bill that there is no reliable data and measurements showing the effect of deforestation and establishing the proposition that floods are more frequent and disastrous to navigation than formerly, I wish to quote from the testimony in the hearings before the House committee of Congressman FRANK D. CURRIER with reference to the experiments on the Pemigewasset, a tributary of the Merrimac River. To my mind nothing could be stronger, because it shows that the low-water period of that stream had increased 400 days during the last 10 years over the former 10; and, as I said, the trouble with navigation is chiefly during the low stages, and therefore the greater the necessity to protect where possible against the increase in the period of low stages during dry weather. Congressman CURRIER says:

For 20 years the Government has been conducting stream measurements at Plymouth, on the Pemigewasset River, which is a main branch of the Merrimac, and I have here a chart made for me by the Geological Survey showing the result of those measurements; and, by

the way, the measurements began in 1886 and cover the 20-year period down to 1906. It was about that time that the great cuttings began in the White Mountains, particularly on the southern slopes, the Pemigewasset rising on the southern slopes of the mountains. You will see from that chart, Mr. Chairman, that the low-water period has increased from 900 days in a 10-year period to 1,300 days, or 400 days in a 10-year period, running up sharply from the 900 period to the 1,300, while the rainfall has remained almost the same, this line here indicating the rainfall.

Again I wish to call attention to the testimony of Prof. Swain, of the Massachusetts Institute of Technology, a recognized authority on this question, in which he calls attention to and discusses the conclusions of the Mississippi Flood Commission in their report to Congress in 1898.

Prof. SWAIN. And if those can be protected the floods will be diminished. We can not, however, obviate floods. There will always be floods, and I will explain that presently. In 1898 there was a report of a committee on floods of the Mississippi River, and of that committee Senator NELSON was chairman. In the report they stated that they were unable to find any relation between the cutting down of the woods on the upper Mississippi River and the floods of the Mississippi. The explanation is perfectly reasonable. I presume that committee did not go into any very elaborate study of the phenomena, as they did not have time to do it, and yet I am perfectly ready to admit the general truth of that conclusion. The reason is that that is a flat country, and there could be no relation traced between the floods and the cutting down of timber. That same report states that all of the great floods of the Mississippi come from the Ohio. There you have the thing in a nutshell. The Ohio drains the western slope of the Allegheny Mountains. I think it might have been said that the floods come from the upper portions of the Ohio in the mountain regions. That is the birthplace of the floods, where they gather, in the steep mountain sides and are carried down to the streams.

The CHAIRMAN. Does not the watershed increase in area as you approach the navigable portions of the stream?

Prof. SWAIN. Certainly.

The CHAIRMAN. And is it not likely, therefore, as a matter of fact, that the greater portion of the water which causes the flood falls upon that part of the watershed immediately tributary to the navigable portion, and not on the comparatively restricted area of the upper tributaries?

Prof. SWAIN. I think not. I think the birthplace of the floods is in the high mountain slopes, and that the control there will have a great deal more efficacy than the control anywhere else.

The facts to be noted concerning American streams are fully borne out by the observations which have been made in Europe. Cipolletti, a noted Italian engineer, in reviewing the opinions presented at the International Congress of Navigation, held at Milan, Italy, in 1905, of which congress he was the official secretary, says:

All the writers agree that forests exert a moderating influence on the run-off of surface waters, owing to a large proportion of the water being retained by the leaves and other parts of the plants, also on account of the quantity of it being absorbed by the layers of dead leaves, moss, and humus, which form the top covering of the forest ground, and partly also to the obstruction which roots above ground form to the rapid flow-off of the surface water, by forcing it to remain stagnant in a thin sheet, instead of accumulating in a mass and running off quickly in the shape of brooks, which is what happens where the surface water finds little obstruction and is apt to produce erosion. To this may be added, in the case of cold climates, the additional advantage that the snow lies longer in the forest and melts here more slowly than in the open country. To conclude, forests act as real regulators, obliging the rain water to flow much more slowly to the bottom of the valley than it would do otherwise and by this means insuring a more uniform and continuous flow in the lower reaches of rivers.

Cipolletti, writing the report of the Milan Congress on Navigation, also expresses the opinion as that generally held, that forests were decidedly beneficial in relation to the formation and permanency of springs.

Every person who has carefully examined the southern Appalachian region can testify to the correctness of this assertion in so far as that region is concerned. In hundreds of cases on the mountain slopes where the forests have been removed and the land cleared springs have disappeared with the forests, and in the drier seasons small mountain streams which were once appreciable and constant in their flow, as indicated by the position of the small abandoned mills and otherwise, have disappeared, owing to the removal of the forests. In adjacent forest-covered regions both the springs and the small streams continue.

It is these springs and these small streams, gathering into continually larger streams, that keep up the flow of the rivers—the navigable rivers—during considerable periods of the summer and autumn seasons.

It is therefore the forest, and the forest alone, which can hold mountain soils in place; and it is the forest cover plus the underlying deep mountain soil which will together receive and store the rainfall and gradually give out through the mountain springs this supply of water to feed and regulate the flow of the streams during the later dry seasons.

No one who carefully studies the actual conditions throughout the southern Appalachian region can seriously question the fact that the forest cover in these mountains, together with the underlying soil which these forests protect and hold in place, do exercise a most important influence in regulating the flow of the navigable streams that have their sources in that region—such streams as the Monongahela and Kanawha, the Ohio, the Tennessee, and others lying to the south and east of this region.

Whatever the differences of opinion may be concerning the influence of forests upon rainfall and floods and the regularity of the flow of streams, there seems to be no difference of opinion among competent observers concerning the value of forests in preventing land erosion on the slopes of hills and mountains.

No one who has studied the conditions among the Appalachian Mountains will raise any question or express any doubt as to the value of forests in this regard.

Eminent engineers like Prof. Swain, of Harvard University; eminent geologists like President Van Hise, of the University of Wisconsin; Mr. Bailey Willis and Dr. George Otis Smith, of the Geological Survey; L. C. Glenn, of Vanderbilt University; and a number of others who have made extended examinations through the Appalachian Mountain region are unanimous in their testimony on this point.

Probably more than 25 per cent of the total area in the Appalachian region has been cleared and put in cultivation at some time during the past 30 years.

Over at least one-half of this cleared area the lands are comparatively level and should remain in cultivation. The rapidly increasing percentage of the cleared area, however, is on the steeper mountain slopes—both the lower slopes and higher slopes.

As a rule, within 10 years after these steep sloping lands have been cleared the erosion is so rapid and so extensive that their cultivation is abandoned and their condition proceeds from bad to worse and ruin. In many cases the erosion is so rapid that reforestation is impossible. Year after year millions of cubic yards of soil are carried down these mountain slopes into the tributary streams and finally into the navigable streams beyond.

Erosion is more extensive on the lower slopes of the mountains only because these slopes have been longer cleared.

The extent of the erosions depends upon the steepness of the slope, the amount of water falling as rain, and the character of the soil. The steeper the slope the more rapid the current of water and the more rapid the erosion.

Erosion is not confined to the lower slopes. It is just as extensive in proportion to the area cleared on the higher mountain slopes as it is on the lower.

Grass will not prevent erosion on the mountain slopes in the southern Appalachians. Owing to the climatic conditions in that region grass does not have a dense sod except above 5,000 feet or on the tops of the highest mountains. Therefore the forest, and the forest alone, can be depended upon to prevent erosion and to conserve the water supplies.

The Geological Survey has just published an extensive report concerning the erosion of soils on the mountain slopes in the Appalachian region. The facts brought out in this report are in confirmation of the testimony of every experienced geologist who has examined that region, to the effect that the millions of cubic yards of soil that are yearly eroded from these mountain slopes are carried down into the mountain streams and by these mountain streams are carried farther down into the navigable rivers. These facts have not been and can not be denied.

Take the Tennessee River, for example, which has been thoroughly examined by Prof. Glenn and experts of the Geological Survey from the sources of this river throughout its entire length. Their reports, and also the reports of the Army engineers, show the enormous quantities of silt and gravel to be found in this river. (See Prof. L. C. Glenn, in *American Forestry*, July, 1910, p. 420.)

There is no denying the fact that enormous quantities of sand and gravel and soil are yearly being carried into the navigable portions of the Tennessee River; enormous quantities of this material are accumulating in the Tennessee River, to be dredged out; and also that enormous quantities of this material are being transported farther downstream into the Ohio and Mississippi Rivers. It should be remembered that the areas about the headwaters of the Tennessee River are more largely cleared of the forests than that, perhaps, of any other of the southern Appalachian streams.

Investigations by Prof. Glenn and others show that on many other navigable streams having their headwaters in this region, such as the Chattahoochee and Savannah, and others, enormous quantities of sands and gravels are being carried down from the mountain slopes and deposited yearly in the navigable portions of these streams. The Coosa River, on the other hand, as indicated by investigations of Prof. Glenn, has its headwaters in a portion of this mountain region from which the forests have been but little cleared, and the navigable portions of this river contain correspondingly but small quantities of sands and gravels brought down from the mountains.

If anyone doubts that the navigable portions of rivers are shoaling because of the deposit in them of sediment brought down from slopes of the hills and mountains about the headwaters of these streams, if he will examine the reports of the Chief Engineer of the Army he will find ample evidence to the contrary. The dredging in the Ohio River shows a fairly constant increase since 1875, and facts will be found in those reports concerning similar conditions in many other rivers.

Says Col. Chittenden in his paper referred to above (p. 276):

It must be clear from the foregoing that the bottom lands of the Missouri add nothing whatever to the total quantity of sediment that passes out of the mouth of the stream. Likewise, the Mississippi bottoms contribute nothing to the volume of sediment that is carried into the Gulf of Mexico. It all comes from the uplands far and near, but principally from the more remote and hilly regions. (Paper before the Society of Civil Engineers, p. 16.)

As to conditions in the Mississippi River, Col. Bixby, Chief of Engineers, United States Army, in the House hearing, page 134, gives some interesting data to the effect that in the Mississippi, from the Red River up to Cairo, effort is being made to maintain a 9-foot channel, whereas below the Red River, especially between Baton Rouge and New Orleans, no depth less than 30 feet is known, and the depth in places is as great as 150 feet. Doubtless the great mass of sediments, whether coming from adjacent banks or from the hills and mountains beyond, are gradually moving down the river from shoal to shoal, and ultimately will silt up also this lower portion of the river.

No further argument seems to be needed on this question. Anyone who studies the reports of the engineers themselves, and with these the reports of the geologists who examine the erosion of the hills about the headwaters of these streams, can have no question as to the relation between the forest about the headwaters and the navigability of the rivers below.

Mr. President, there is much more that I wanted to say upon this subject, and I have here other authorities which I have not read in answer to the contention made by the Senator from Ohio and by the opponents of this bill that there is no appreciable or direct connection between deforestation and the navigability of streams, but I realize the fact that it is late and that the Senate wants to vote, and in view of that situation I desist from further discussion of the matter.

The PRESIDENT pro tempore. If there be no further amendment, the bill will be reported to the Senate.

Mr. BRANDEGEE. I was about to ask for a vote, if Senators are ready—

Mr. HEYBURN. Mr. President—

Mr. BRANDEGEE. Of course, if other Senators desire to speak, I will withhold the request.

Mr. HEYBURN. It will require but a very few minutes to say what I wish to say.

Mr. BRANDEGEE. Very well.

Mr. HEYBURN. Mr. President, the provisions of this bill are so astounding as to make it difficult to know where to strike it in a minute. It proposes to authorize the purchase by the United States, in solid block, of the counties in New Hampshire of Carroll, Coos, and Grafton. The territory proposed to be purchased as a solitude cast 17,500 votes at the last election. It is proposed to purchase that territory and convert it into a solitude; that is the avowed purpose of the bill.

Mr. GALLINGER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Certainly.

Mr. GALLINGER. I wish to ask the Senator who proposes to purchase that entire territory.

Mr. HEYBURN. The terms of the bill.

Mr. GALLINGER. Not at all. It is a mere suggestion on the part of the Secretary of Agriculture.

Mr. HEYBURN. It is presumed when you give authority to do it that the authority will be exercised.

Mr. GALLINGER. Somebody has made a map, of which the Senator has obtained possession, which has no more actual bearing on this bill than last year's almanac.

Mr. HEYBURN. It is Senate Document No. 91, a report of the Secretary of Agriculture upon this question. I do not know whether it is correct, but it is a part of the information that comes in here.

Now, in North Carolina it is proposed to purchase 10 counties, solid territory, and allotted portions in addition to it. Those counties are Buncombe, Cherokee, Graham, Haywood, Jackson, Macon, Madison, Mitchell, Swain, and Yancey.

Mr. OVERMAN. They can not buy those counties.

Mr. HEYBURN. I am not going to occupy much time, and if the Senator will be patient I will develop the point I am suggesting. That is the power which it is proposed to confer.

The presumption is, I repeat, that when power is given to the executive officers of the Government, or a special board, they will exercise it to the limit.

Now, those counties cast 27,000 votes at the last election. There can not be any solitude there. They have a population of 135,000 people. There is not much evidence of solitude there. And why you should propose to convert it, or give any one power to convert it, into a solitude is past understanding.

Now, I come to West Virginia, and I take only the solid counties as shown upon this map in the report that is brought in here to accompany and support and sustain this bill. It is proposed to convert McDowell, Logan, Mingo, and Wyoming entirely to this purpose, and they cast 15,600 votes and have a population of over 75,000 people. It is because these conditions, brought in by the committee, I think I am correct in saying, are so astounding that they compel me to call the attention of the Senate to what we are doing.

As to the State of Maine, I have not had time to figure up the counties that are to be bought by the Government. I say they are to be bought. I agree with the Senator from New Hampshire that they never will be purchased. The bill is a farce. Why should we be expending a lot of time—having carried it over by unanimous consent from away last summer—why should it be considered here and occupy a whole day of the time of the Senate if it is a farce?

Mr. GALLINGER. Let us vote, then.

Mr. HEYBURN. Yes; we will vote all right; but I am going to vote only after giving those who shall look over our work in the years to come an opportunity of knowing what we did. There is one, the northwest corner—I say "corner;" it is a very large portion of the State of Maine—that is also subject to be made a victim of this bill.

Kentucky has a strip through it as big as some of the States, and they go in and purchase this. I heard read from the report by the Senator from Ohio this afternoon the response of one of the witnesses, an officer of the Government, who was examined by the committee as to what the probable or possible expenditure might amount to, and he said it might amount to \$500,000,000. This proposition is a bigger one than the building of the Panama Canal.

Mr. PAYNTER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. HEYBURN. I do.

Mr. PAYNTER. I do not quite understand the Senator from Idaho. Why do he and the Senator from New Hampshire say when the money is immediately made available for that purpose—

Mr. HEYBURN. I thank the Senator for that suggestion.

Mr. PAYNTER. I can not understand why this is an idle proposition. If I thought it was an idle proposition, I would not have any concern about it.

Mr. GALLINGER. If the Senator will permit me, I did not say none of it would be bought under the terms of the bill. I do say that the man who made the map, whoever he may have been, might just as well have included the entire State of New Hampshire and the entire State of Maine, and the Senator would have contended that we were going to purchase those entire States for forest reserves. The appropriation is limited, and it is not at all probable that any such investment as the Senator suggests is contemplated by anybody.

Mr. BURTON. I should like to ask the Senator from New Hampshire a question. Does not the Senator think it is an entering wedge, a mere beginning for purchases all over the country in just the same manner, amounting to hundreds of millions of dollars?

Mr. GALLINGER. I am not going to enter the field of speculation, Mr. President. I am dealing with the bill as it is before us.

Mr. HEYBURN. Mr. President, I do not think it is necessary to arrive at a definite conclusion as to how much money will be expended. It is the system, the theory, or policy that I object to entering upon. I object to entering upon a policy which provides for the expenditure of a limited sum of money when in the very report upon which we act it appears that we will probably have to expend multiplied figures.

Mr. LODGE. Is not the life of the law limited?

Mr. HEYBURN. But the life of Congress is not limited.

Mr. LODGE. But would not Congress have to renew it?

Mr. HEYBURN. Yes; and if you had bought half of the property which, in the judgment of these foresters, is necessary to conserve the water, some one would represent that unless you purchased another \$5,000,000 worth you would have wasted the money already expended. We have seen these things grow up here. They grow up on a small foundation and then expand.

In other words, here we find a condition. Two or three hundred years ago a few people landed upon these lands along the Atlantic coast. They found them forests, uninhabited, took possession of them, and to the extent of the growth of the human family they have been populated. The growth of the human family is not a finished condition as yet. These lands are inhabited by several hundred thousand people, and it is fair to presume that conditions which attract that many will in the future, if the conditions are not changed, attract a great many more. You can not say that these lands are uninhabited or useless or that many people could not be living upon them. Millions of dollars of taxes are being collected every year from people who live on these lands. I am speaking with the figures before me.

Mr. SMITH of South Carolina. May I ask the Senator from Idaho a question?

Mr. HEYBURN. Certainly.

Mr. SMITH of South Carolina. We are theorizing largely here. I had a practical experience in 1908. In the watershed of the mountains bordering in North Carolina onto the foothills in South Carolina—we have not so much as North Carolina—there was an unusual rainfall. In that territory which the Senator speaks of as not being desolate, on the hillsides, which produce nothing in proportion to what the lower and more level lands produce, there was an unusual rainfall in 1908. All the streams of South Carolina, the Pedee River, Lynches River, the Wateree, the Congaree, and the Santee, destroyed millions upon millions of dollars' worth of property permanently by the erosion of these hills which could not have happened had there been forests on them, because tons upon tons of silt, sand, and rock were carried down and deposited on the level alluvial land, and made sand bars and mud banks in the navigable streams, costing the State more than those counties were practically worth. It seems to me it would be a wise provision on the part of the Government, where the divergence is so wide in comparison with the lower lands, to make such an appropriation as will forestall any future flood.

Mr. HEYBURN. Mr. President, I will cover that proposition in as few words as possible. Every fertile valley in this land or any other is due to the erosion of the hillsides and the bringing down from inaccessible places of that which makes the soil of the valley.

Mr. SMITH of South Carolina. Will the Senator allow me to say right here—where it percolates through the leaves and where it goes through the sand such as a forest would give; but no one will deny what I said who will come into my State and see the practical result on the great hillsides. The Senator must know that the carrying power of water is exactly according to the square of its velocity. The smaller rivers in the foothills carry down the water, and the minute it strikes the lower plain the velocity of the water is checked. It is not silt but sand and small stones that are deposited, to the destruction not only of the navigation of headwaters, so far as navigation would go, but covering valuable lands.

Mr. HEYBURN. Mr. President, there are sand and gravel and rocks under the surface of the soil upon which the crops grow in all the great Mississippi Valley or any other valley. Who ever heard of the filling up of the ocean? Through untold centuries the mountain sides have been sending down through the aid of floods their deposits. They lodge in the valleys. It has been going on always. It did not commence with this Congress. The great plateau to-day at the mouth of the Euphrates, 200 miles in length and 60 in extent, has been created since our written history began. Those rivers that used to flow separately into the sea have united by reason of it, and to-day American capital and English capital is undertaking to purchase those lands and reduce them to productive conditions. The Mississippi Valley was once rock bottom, without any soil upon it. The soil came down from all the States where the headwaters of the stream and its tributaries flow into the Mississippi.

What would you keep the soil up on the mountain side for? To raise pasture for goats? That is the only practical use to which it could be put. Bring it down where people live and enterprise exists. Suppose, for instance, in the few valleys here and there damage is done to some person or some thing by the rain that falls to replenish the earth that crops may grow. No blessing is uniform in its application in the world. Do not be afraid of the storm that brings down to you the soil from the mountain sides. On the mountain sides it may be ornamental, but it is not useful. In the valley it produces the wealth of this country.

Twenty county seats are included within the territory that is proposed to be taken into this reserve. The conditions that the earlier emigrants to this country found are sought to be

repeated. Return to solitude, release these three or four hundred thousand people from their homes, and you have a choice between two things in disposing of them: Either put uniforms on them—a little cock feather in their hats—and pay them their wages out of the Public Treasury, or send them out to what is left of our western country to settle on new farms and become citizens of the new civilization. That is about all you can do with them, or send them to your cities.

Mr. BRANDEGEE. To Canada?

Mr. HEYBURN. It is suggested that we send them to Canada. I suppose they could find occupation there, entering into competition with people who were left on this side outside of these solitudes, and they would sell to us as long as we had any money, and when we have run out of money we will all go to Canada.

Mr. President, I do not intend to enter into any lengthy discussion. The bill, in my judgment, is so extraordinary that it should not receive the support of this body or become a law. It is the most radical piece of fancy legislation that has ever been proposed in the Congress of the United States. I say this without any disrespect for any individual or any discredit to any individual. I doubt whether down in the heart of any man there appears a grain of wisdom in this measure.

The bill was reported to the Senate without amendment.

Mr. BURTON. I desire to offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 4, lines 6 and 7, strike out the words "the Geological Survey" and in lieu thereof insert the words "the Engineer Corps of the United States Army."

Mr. BURTON. Just one word in explanation, Mr. President. The proviso reads:

*Provided, That before any lands are purchased by the National Forest Reservation Commission said lands shall be examined by the Geological Survey and a report made to the Secretary of Agriculture, showing that the control of such lands will promote or protect the navigation of streams on whose watersheds they lie.*

The question of reporting in regard to navigation rests with the Engineer Corps. This would lead to a most vicious piece of administration in that one bureau of the Government of the United States having control in a certain branch of work would be displaced and another having no connection with it would take its place.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. LODGE. Mr. President, I hope the amendment will not be adopted, because at this stage of the session, with the crowd of business that is now being dealt with, an amendment would endanger the bill, if not defeat it. It is perfectly easy to make that change. If it is found necessary it can be made by an amendment to an appropriation bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Ohio. [Putting the question.] The yeas have it, and the amendment is rejected.

Mr. BURTON. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. BURTON. It seems to me we ought to have the yeas and nays on the amendment. May I ask what number is required to obtain them?

The PRESIDENT pro tempore. One-fifth of the Senators present.

Mr. BURTON. I know; but what number would that mean?

The PRESIDENT pro tempore. Only three rose to second the demand.

Mr. BURTON. I must enter the statement that not by rising but raising the hand there was a considerable larger number than that.

The PRESIDENT pro tempore. Only three raised their hands.

Mr. GALLINGER. Mr. President, I am not going to speak to the matter of the yeas and nays. I understood that the yeas and nays were denied, and that ought to end it.

I rise, Mr. President, to say that I had intended to submit some observations on this bill, but as Senators are getting impatient and many of them have engagements for the evening I shall not do so. For one, I am ready to vote on the bill, and I trust the Senate will soon be in the same frame of mind. Feeling sure that the bill will pass by a large majority, further discussion seems unnecessary.

Mr. BURTON. I offer another amendment.

The PRESIDENT pro tempore. The amendment will be stated by the Secretary.

The SECRETARY. On page 5, line 14, after the word "expressed," insert the following proviso:

*Provided*, That on lands acquired by the commission timber shall be sold and water power shall be granted only at prices and on terms approved by the National Forest Reservation Commission.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Ohio.

Mr. BURTON. The bill, Mr. President, seems to make no provision for any payment whatever for water-power privileges, although they may be of the very highest value, and only makes provision for paying for timber.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Ohio.

The amendment was rejected.

The bill was ordered to a third reading and was read the third time.

The PRESIDENT pro tempore. Shall the bill pass?

Mr. BURTON. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I desire to announce on behalf of the Senator from Texas [Mr. BAILEY] that I have arranged for him a pair on all matters for this day with my colleague, the senior Senator from Connecticut [Mr. BULKELEY].

Mr. BROWN (when Mr. BURKETT's name was called). My colleague [Mr. BURKETT] is unavoidably detained. If he were present, he would vote "yea."

Mr. PAGE (when Mr. DILLINGHAM's name was called). My colleague [Mr. DILLINGHAM] is unavoidably detained from the Senate. He is paired with the junior Senator from Mississippi [Mr. PERCY].

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON], who seems to be absent from the Chamber at this time; but I will transfer my pair to the senior Senator from Rhode Island [Mr. ALDRICH], and vote. I vote "yea."

Mr. HEYBURN (when his name was called). I am paired with the junior Senator from Louisiana [Mr. THORNTON]. If I were not paired and at liberty to vote, I should vote "nay."

Mr. JOHNSTON (when his name was called). I am paired with the senior Senator from Maine [Mr. HALE]. If he were present, I should vote "yea."

Mr. OLIVER (when his name was called). I have a general pair with the Senator from Oregon [Mr. CHAMBERLAIN]. I transfer my pair to the Senator from Nebraska [Mr. BURKETT] and vote. I vote "yea."

Mr. OVERMAN (when Mr. RAYNER's name was called). I am requested to announce that the Senator from Maryland [Mr. RAYNER] is unavoidably detained. He is paired with the Senator from Arkansas [Mr. CLARKE]. If the Senator from Maryland were present, he would vote "yea."

Mr. SIMMONS (when his name was called). I am paired with the junior Senator from Minnesota [Mr. CLAPP], but I am advised that if present he would vote for this bill. I will therefore vote. I vote "yea."

Mr. STONE (when his name was called). I have a pair for this day with the senior Senator from Mississippi [Mr. MONEY]. If he were present, he would vote "yea," and I should vote "nay."

Mr. BACON (when Mr. TERRELL's name was called). My colleague [Mr. TERRELL] is detained from the Chamber by illness. On this question he is paired with the Senator from Alabama [Mr. BANKHEAD]. If my colleague were present, he would vote "yea," and the Senator from Alabama would vote "nay."

Mr. FOSTER (when Mr. THORNTON's name was called). My colleague [Mr. THORNTON] is necessarily absent from the Senate. He is paired with the senior Senator from Idaho [Mr. HEYBURN]. If my colleague were present, he would vote "yea."

The roll call was concluded.

Mr. PERCY. I wish to announce that I am paired with the senior Senator from Vermont [Mr. DILLINGHAM]. If he were present, I should vote "nay."

Mr. JOHNSTON. I wish to announce that the Senator from Texas [Mr. BAILEY] is paired with the Senator from Connecticut [Mr. BULKELEY], and that the Senator from Oklahoma [Mr. GORE] is paired with the Senator from New York [Mr. DEWEY].

The result was announced—yeas 57, nays 9, as follows:

#### YEAS—57.

Bacon	Burnham	Dixon	Gamble
Beveridge	Burrows	du Pont	Guggenheim
Borah	Carter	Fletcher	Jones
Bourne	Chamberlain	Flint	Kean
Bradley	Crane	Foster	La Follette
Brandeggee	Crawford	Frazier	Lodge
Briggs	Cummins	Frye	Martin
Brown	Curtis	Gallinger	Newlands

Nixon  
Oliver  
Overman  
Page  
Penrose  
Perkins  
Piles

Richardson  
Root  
Scott  
Simmons  
Smith, Md.  
Smith, Mich.  
Smith, S. C.

Smoot  
Stephenson  
Sutherland  
Swanson  
Tallaferro  
Taylor  
Warner

Warren  
Watson  
Wetmore  
Young

Bristow  
Burton  
Clark, Wyo.

Cullom  
Davis

NAYS—9.

Gronna  
McCumber

Paynter  
Shively

NOT VOTING—25.

Aldrich  
Bailey  
Bankhead  
Bulkeley  
Burkett  
Clapp  
Clarke, Ark.

Culberson  
Depew  
Dick  
Dillingham  
Gore  
Hale  
Heyburn

Johnston  
Lorimer  
Money  
Nelson  
Owen  
Percy  
Rayner

Stone  
Terrell  
Thornton  
Tillman

So the bill was passed.

ENTRIES UPON LANDS RESERVED FOR IRRIGATION PURPOSES.

Mr. BORAH submitted the following resolution (S. Res. 349), which was considered by unanimous consent and agreed to.

*Resolved*, That the Secretary of the Senate be authorized to furnish the House of Representatives with a duplicate enrolled copy of the bill (S. 9405) to amend section 5 of the act of Congress of June 25, 1910, entitled "An act to authorize advances to the reclamation fund, and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes," the original having been lost or mislaid.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 30 minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, February 16, 1911, at 12 o'clock meridian.

NOMINATIONS.

*Executive nominations received by the Senate February 15, 1911.*

RECEIVER OF PUBLIC MONEYS.

Harold Hurd, of New Mexico, to be receiver of public moneys at Roswell, N. Mex., his term expiring March 11, 1911. (Re-appointment.)

REGISTER OF LAND OFFICE.

Lee Fairbanks, of Colorado, to be register of the land office at Del Norte, Colo., his term expiring March 3, 1911. (Re-appointment.)

REAPPOINTMENT IN THE ARMY.

QUARTERMASTER'S DEPARTMENT.

Brig. Gen. James B. Aleshire, Quartermaster General, to be Quartermaster General, with the rank of brigadier general, for the period of four years, beginning July 1, 1911, with rank from July 1, 1907. His present appointment will expire by limitation June 30, 1911.

PROMOTIONS IN THE ARMY.

JUDGE ADVOCATE GENERAL'S DEPARTMENT.

Lieut. Col. John A. Hull, judge advocate, to be judge advocate with the rank of colonel from February 15, 1911, vice Col. Enoch H. Crowder, who accepted an appointment as judge advocate general, with the rank of brigadier general, on that date.

Maj. John Biddle Porter, judge advocate, to be judge advocate with the rank of lieutenant colonel from February 15, 1911, vice Lieut. Col. John A. Hull, promoted.

PORTO RICO REGIMENT OF INFANTRY.

First Lieut. Samuel S. Bryant, Porto Rico Regiment of Infantry, to be captain from January 15, 1911, vice Capt. Frank L. Graham, retired from active service January 14, 1911.

Second Lieut. Louis S. Emmanuelli, Porto Rico Regiment of Infantry, to be first lieutenant from January 15, 1911, vice First Lieut. Samuel S. Bryant, promoted.

APPOINTMENT IN THE ARMY.

JUDGE ADVOCATE GENERAL'S DEPARTMENT.

First Lieut. Edward A. Kreger, Twenty-eighth Infantry, to be judge advocate with the rank of major from February 15, 1911, vice Maj. John Biddle Porter, promoted.

INFANTRY ARM.

*To be second lieutenants with rank from February 11, 1911.*

Frederick Rodman Palmer, of Wisconsin.

Stanley Willis Wood, of Missouri.

Alexander Wilson, of Missouri.

Xavier Francis Blauvelt, of the District of Columbia.

Frank Dorwin Lackland, of the District of Columbia.

Mason Wilbur Gray, jr., of Michigan.  
 Joseph Andrews, of Oklahoma.  
 Albert Samuel Peake, of California.  
 Floyd D. Carlock, of Ohio.  
 Cushman Hartwell, of Pennsylvania.  
 Arthur Boettcher, at large.  
 Elisha Francis Riggs, of the District of Columbia.  
 Horace Thurber Aplington, of New York.  
 Henry Burnet Post, of New York.  
 Fred Livingood Walker, of Ohio.  
 Alvan Cullom Gillem, jr., at large.  
 Rapp Brush, of Illinois.  
 James Edward O'Phelan, of Minnesota.  
 John O'Keefe Taussig, of Missouri.  
 Bert Milton Atkinson, of Georgia.  
 Edward George McCormick, of New York.

#### PROMOTIONS IN THE NAVY.

The following-named assistant paymasters with the rank of ensign to be assistant paymasters in the Navy with the rank of lieutenant (junior grade) from the 13th day of February, 1911:

William R. Van Buren,  
 Raymond E. Corcoran,  
 Elwood A. Cobey,  
 Spencer E. Dickinson,  
 Robert S. Chew, jr., and  
 Russell Van de W. Bleecker.

Asst. Naval Constructor John W. Woodruff to be a naval constructor in the Navy from the 12th day of February, 1911, upon the completion of eight years' service as an assistant naval constructor.

#### POSTMASTERS.

##### CALIFORNIA.

Clyde F. Baldwin to be postmaster at Whittier, Cal., in place of Clyde F. Baldwin. Incumbent's commission expires March 2, 1911.

Sheridan G. Berger to be postmaster at Ontario, Cal., in place of Sheridan G. Berger. Incumbent's commission expired January 23, 1911.

Oliver H. Duvall to be postmaster at Claremont, Cal., in place of Oliver H. Duvall. Incumbent's commission expires March 2, 1911.

George F. Hirsch to be postmaster at Longbeach, Cal., in place of George F. Hirsch. Incumbent's commission expires March 1, 1911.

Frank B. Mackinder to be postmaster at St. Helena, Cal., in place of Frank B. Mackinder. Incumbent's commission expires February 28, 1911.

Ada Mayes to be postmaster at El Monte, Cal. Office became presidential January 1, 1911.

James Mitchell to be postmaster at Dos Palos, Cal., in place of E. S. Davis, removed.

Samuel S. Wood to be postmaster at Rialto, Cal., in place of Samuel S. Wood. Incumbent's commission expires March 2, 1911.

Renaldo E. Taylor to be postmaster at Gridley, Cal., in place of Renaldo E. Taylor. Incumbent's commission expired February 12, 1911.

##### COLORADO.

Harry A. Cobbett to be postmaster at Cedaredge, Colo. Office became presidential January 1, 1911.

Judson E. Sipprelle to be postmaster at Grand Valley, Colo. Office became presidential January 1, 1911.

##### CONNECTICUT.

Jessie S. Rose to be postmaster at Manchester, Conn., in place of Jessie S. Rose. Incumbent's commission expires February 18, 1911.

##### FLORIDA.

Joseph P. Schell to be postmaster at Chipley, Fla., in place of Joseph P. Schell. Incumbent's commission expired February 6, 1911.

##### GEORGIA.

Willie Mishoe to be postmaster at Soperton, Ga. Office became presidential January 1, 1911.

##### IDAHO.

Rhese P. Harmon to be postmaster at Mountain Home, Idaho, in place of Millie E. Longfellow. Incumbent's commission expired January 28, 1911.

##### ILLINOIS.

Charles L. Blandin to be postmaster at Blandinsville, Ill., in place of Frank M. Herzog. Incumbent's commission expired February 7, 1911.

Henry K. Brockway to be postmaster at Barrington, Ill., in place of Henry K. Brockway. Incumbent's commission expires February 18, 1911.

Ira M. White to be postmaster at Walnut, Ill., in place of Harry Whitver, resigned.

##### INDIANA.

William V. Barr to be postmaster at Bicknell, Ind., in place of Winfield S. Kieth. Incumbent's commission expired December 13, 1910.

Walter Bradfute to be postmaster at Bloomington, Ind., in place of Walter Bradfute. Incumbent's commission expired January 23, 1911.

John M. Davis to be postmaster at Columbus, Ind., in place of William F. Coats. Incumbent's commission expired December 13, 1909.

Harvey H. Harshman to be postmaster at Dunkirk, Ind., in place of John C. Fudge. Incumbent's commission expired December 13, 1910.

William H. Mote to be postmaster at Union City, Ind., in place of George W. Patchell. Incumbent's commission expired January 30, 1911.

Charles T. O'Haver to be postmaster at Lyons, Ind. Office became presidential January 1, 1911.

William C. Porter to be postmaster at Red Key, Ind., in place of Joseph C. Andrew. Incumbent's commission expired February 12, 1911.

##### IOWA.

William N. Oursler to be postmaster at Odebolt, Iowa, in place of William N. Oursler. Incumbent's commission expires February 28, 1911.

##### KANSAS.

C. E. Ingalls to be postmaster at Washington, Kans., in place of Charles Smith, resigned.

##### LOUISIANA.

Elizabeth Reiley to be postmaster at Clinton, La., in place of Amy C. Reiley, resigned.

##### MARYLAND.

Clarence H. Oldfield to be postmaster at Ellicott City, Md., in place of Hamilton Oldfield, deceased.

Fred W. Wilson to be postmaster at Upper Marlboro, Md., in place of Charlton Sassacer, resigned.

##### MINNESOTA.

Thomas M. Paine to be postmaster at Glencoe, Minn., in place of Thomas M. Paine. Incumbent's commission expires March 2, 1911.

Caroline E. Smith to be postmaster at Morton, Minn. Office became presidential January 1, 1909.

Edward Yanish to be postmaster at St. Paul, Minn., in place of Edward Yanish. Incumbent's commission expires February 16, 1911.

##### MISSOURI.

A. G. Baker to be postmaster at Versailles, Mo., in place of James W. Mills. Incumbent's commission expired June 11, 1910.

John D. Kerr to be postmaster at Savannah, Mo., in place of Ida Blackburn. Incumbent's commission expired April 3, 1910.

Charles E. Rinehart to be postmaster at Browning, Mo., in place of Benjamin F. Carter, deceased.

##### NEBRASKA.

A. F. Buechler to be postmaster at Grand Island, Nebr., in place of Howard C. Miller. Incumbent's commission expired April 19, 1910.

Wesley Tressler to be postmaster at Ogallala, Nebr., in place of Wesley Tressler. Incumbent's commission expires February 20, 1911.

##### NEW YORK.

William H. Clark to be postmaster at Cortland, N. Y., in place of George H. Kennedy. Incumbent's commission expired January 18, 1911.

Samuel T. Dusenberry to be postmaster at Tuxedo Park, N. Y., in place of Gilmore O. Bush, resigned.

Frank N. Webster to be postmaster at Spencerport, N. Y., in place of Frank N. Webster. Incumbent's commission expired May 2, 1910.

##### NORTH CAROLINA.

Barnabas A. Baber to be postmaster at Shelby, N. C., in place of Barnabas A. Baber. Incumbent's commission expired December 10, 1910.

William J. Flowers to be postmaster at Mount Olive, N. C., in place of William J. Flowers. Incumbent's commission expired January 23, 1911.

Neill McFayden to be postmaster at Raeford, N. C., in place of Daniel J. Curry, deceased.

## NORTH DAKOTA.

Herbert B. Grover to be postmaster at Grafton, N. Dak., in place of E. H. Pierce, resigned.

William J. Hoskins to be postmaster at Rolla, N. Dak., in place of William J. Hoskins. Incumbent's commission expires February 20, 1911.

C. E. Shepard to be postmaster at White Earth, N. Dak. Office became presidential July 1, 1907.

## OHIO.

Hugh A. McLaughlin to be postmaster at Adena, Ohio. Office became presidential January 1, 1910.

## PENNSYLVANIA.

Newton S. Brittain, jr., to be postmaster at East Stroudsburg, Pa., in place of Jesse Ransberry. Incumbent's commission expired February 13, 1911.

Fred G. Brown to be postmaster at Knoxville, Pa., in place of John C. White. Incumbent's commission expired April 9, 1908.

Henry M. Brownback to be postmaster at Norristown, Pa., in place of Henry M. Brownback. Incumbent's commission expired February 13, 1911.

Charles G. Gill to be postmaster at Madera, Pa. Office became presidential January 1, 1911.

H. C. Gordon to be postmaster at Waynesboro, Pa., in place of Silas E. Dubbel. Incumbent's commission expired January 22, 1911.

Harry B. Heywood to be postmaster at Conshohocken, Pa., in place of Harry B. Heywood. Incumbent's commission expires February 18, 1911.

Oscar D. Schaeffer to be postmaster at Nazareth, Pa., in place of William M. Bennett. Incumbent's commission expired February 13, 1911.

William W. Scott to be postmaster at Sewickley, Pa., in place of William W. Scott. Incumbent's commission expires February 18, 1911.

George F. P. Wanger to be postmaster at Pottstown, Pa., in place of William P. Bach. Incumbent's commission expired February 4, 1911.

## UTAH.

Thomas Braby to be postmaster at Mount Pleasant, Utah, in place of Thomas Braby. Incumbent's commission expired February 4, 1907.

## VIRGINIA.

E. B. Travis to be postmaster at Bowling Green, Va. Office became presidential October 1, 1910.

## WASHINGTON.

F. L. Stocking to be postmaster at Tacoma, Wash., in place of Henry L. Votaw, deceased.

## WEST VIRGINIA.

Isaac I. Riley to be postmaster at Spencer, W. Va., in place of Edwin H. Flynn, resigned.

William F. Squires to be postmaster at Parsons, W. Va., in place of William F. Squires. Incumbent's commission expires February 28, 1911.

## WISCONSIN.

John W. Bell to be postmaster at Chetek, Wis., in place of John W. Bell. Incumbent's commission expired January 10, 1911.

Charles F. Henrizi to be postmaster at Menominee Falls, Wis., in place of Charles F. Henrizi. Incumbent's commission expired February 22, 1910.

George A. Packard to be postmaster at Bayfield, Wis., in place of George A. Packard. Incumbent's commission expired January 10, 1911.

John H. Snyder, jr., to be postmaster at Elkhorn, Wis., in place of Thomas W. Morefield. Incumbent's commission expires March 2, 1911.

David B. Worthington to be postmaster at Beloit, Wis., in place of David B. Worthington. Incumbent's commission expires March 2, 1911.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 15, 1911.*

## UNITED STATES MARSHALS.

William S. Cade to be United States marshal for the western district of Oklahoma.

Thomas F. McGourin to be United States marshal for the northern district of Florida.

W. A. Halteman to be United States marshal for the eastern district of Washington.

Joseph R. H. Jacoby to be United States marshal for the western district of Washington.

## PROMOTIONS IN THE ARMY.

## COAST ARTILLERY CORPS.

Lieut. Col. Samuel E. Allen to be colonel.  
Maj. John W. Ruckman to be lieutenant colonel.  
Capt. James M. Williams to be major.  
First Lieut. William E. Murray to be captain.  
Second Lieut. Abney Payne to be first lieutenant.

## APPOINTMENTS IN THE ARMY.

## COAST ARTILLERY CORPS.

John Emmitt Sloan to be second lieutenant.

## MEDICAL RESERVE CORPS.

*To be first lieutenants with rank from February 6, 1911.*

Omar Heinrich Quade, of Missouri.  
Guy Logan Qualls, of Missouri.  
Leopold Mitchell, of Louisiana.  
Philip Barry Connolly, of New York.

## PROMOTIONS IN THE NAVY.

The following-named midshipmen to be ensigns in the Navy from the 6th day of June, 1910, to fill vacancies existing in that grade on that date:

Harry A. Badt,  
Walter L. Heiberg, and  
Martin J. Peterson.

## POSTMASTERS.

## GEORGIA.

Frank P. Mitchell, Americus.

## ILLINOIS.

James Porter, Martinsville.

## SOUTH DAKOTA.

Frank E. Saltmarsh, Miller.

## TENNESSEE.

John T. Hale, Trenton.  
Grover S. McNabb, Erwin.  
William A. Pamplin, Fayetteville.  
William Spellings, McKenzie.  
Oscar N. Vaughn, Pikeville.

## INJUNCTION OF SECRECY REMOVED.

The injunction of secrecy was removed from the following:  
A convention concerning literary and artistic copyrights, signed on August 11, 1910. (Ex. E, 61st Cong., 3d sess.)  
A convention relative to the creation of an international prize court (Ex. Q, 60th Cong., 1st sess.) and a protocol thereto (Ex. H, 61st Cong., 3d sess.).

## HOUSE OF REPRESENTATIVES.

*WEDNESDAY, February 15, 1911.*

The House met at 11 o'clock a. m.  
Prayer by the Chaplain, Rev. Henry N. Couden, D. D.  
The Journal of the proceedings of yesterday was read and approved.

## FAMINE IN CHINA.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent to call up the conference report on the bill (H. R. 32473) for the relief of the sufferers from famine in China.

Mr. PEARRE rose.

The SPEAKER. Does the gentleman from Maryland desire to correct the Record or Journal?

Mr. PEARRE. I rise to a question of personal privilege.

The SPEAKER. The Chair will recognize the gentleman a little later. The gentleman from Iowa asks unanimous consent to call up a short conference report, which the Clerk will read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 32473) for the relief of the sufferers from famine in China having met, after full and free conference have agreed to recom-